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Truett Hunt

Jan. '94

THE DEPARTMENT OF STATE

OF THE

UNITED STATES

ITS HISTORY AND FUNCTIONS

WASHINGTON
DEPARTMENT OF STATE

1893

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THE DEPARTMENT OF STATE
OF THE
UNITED STATES

CONTENTS.

	PAGE.
PREFATORY LETTER	v
I. BEFORE THE CONSTITUTION	I
II. FORMATION OF THE DEPARTMENT OF STATE	43
III. THE NEW DEPARTMENT—DUTIES THAT ARE NO LONGER UNDER ITS SUPERVISION	63
IV. SUBDIVISIONS OF THE DEPARTMENT OF STATE	89
V. DUTIES OF THE DEPARTMENT OF STATE	99
VI. BUILDINGS OCCUPIED BY THE DEPARTMENT	199
VII. SECRETARIES FOR FOREIGN AFFAIRS AND SECRETARIES OF STATE	203

PREFATORY LETTER.

To SEVELLON A. BROWN, Esq.,

Chief Clerk and Representative of the Department of State,

Government Board of Managers,

World's Columbian Exposition.

Sir: In compliance with your instructions, I have the honor to transmit an account of the Department of State, its history and functions.

As far as it has been possible to do so, the sources of information used have been the archives of the Department itself. These are, unfortunately, not complete in many instances, and this has rendered it difficult to present as perfect a picture of the development of the Department machinery as might be wished.

The object sought is to give, as briefly and accurately as possible, the history of the formation of the Department, and to show what its duties are and what they have been. Everything relating to the diplomatic history of the Government has been carefully excluded, as a part of the general history of the United States.

It is believed that this is the first effort to present an account of the actual development of one of the Executive Departments.

It would be strange if, in a novel work of this kind, there should not be errors. The early records of the Government are nearly all unprinted, and those which it is desirable to use are only to be found after careful and laborious searching. Some are thus apt to be overlooked; but every effort has been made to discover everything of importance.

Some apology may be necessary for the long citations of laws; but this is done in order to allow the story to be told, so far as possible, in the language of others.

I have received assistance generally from the officers and clerks in the Department, and it would be unfair to name a few where so many have coöperated.

I am, Sir,

Your obedient servant,

GAILLARD HUNT,

Special Agent.

Washington,

Department of State,

January, 1893.

The Department of State of the United States.

I.

BEFORE THE CONSTITUTION.

THE first Congress of the Revolution assembled in Carpenter's Hall, Philadelphia, September 5, 1774. An address to the King of England was adopted and transmitted to the agents of several of the Colonies in London, with instructions to present it to the King. They were to ask the aid of such Englishmen as they might have reason to believe were "Friends to American Liberty." These instructions were drafted October 26, 1774, by John Jay and Richard Henry Lee,* and were sent to Paul Wentworth, who represented New

*Secret Journals of Congress, I, 58.

Hampshire;* Charles Garth, a member of Parliament, the agent of South Carolina; William Bollan, agent of the Massachusetts Council; Thomas Life, the agent of Connecticut; Edmund Burke, who had been chosen agent of New York in 1771; Arthur Lee, who held an appointment to succeed Benjamin Franklin as agent of the Massachusetts Assembly; and Franklin himself, who had been appointed in 1765 agent of Pennsylvania, in 1768 of Georgia, in the same year of New Jersey, and in 1770 of the Massachusetts Assembly. For the first time, these agents were deputed to act for the "United Colonies;" but Bollan, Lee, and Franklin, who alone, according to Franklin, "properly had anything to do with the tea business,"† were the only ones who accepted the office. Their duties were, to a certain ex-

* Force's American Archives (fourth series), I, 938, gives the names of the Colonies these agents represented. Wentworth soon afterwards became a secret agent of the British Government, and entered into active correspondence with the Earl of Suffolk and William Eden, furnishing them with information concerning the progress of American affairs. (See Stevens' Facsimiles of Manuscripts in European Archives Relating to America.)

† Works (Bigelow's edition), V, 509.

tent, diplomatic, and they were the representatives of a power that was soon to become independent.

The first effort by the Congress to establish a foreign service and a channel through which to conduct its business was made November 29, 1775, when the Secret Committee of Correspondence was created by the following resolutions :

Resolved, that a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world ; and that they lay their correspondence before Congress when directed.

Resolved, that this Congress will make provision to defray all such expenses as may arise by carrying on such correspondence, and for the payments of such agents as they may send on this service.

The members chosen—Mr. Harrison, Dr. Franklin, Mr. Dickinson, Mr. Johnson and Mr. Jay.*

Franklin was chairman. The Committee at once opened correspondence with several resi-

*Secret Journals of Congress, II, 5.

dents of Europe, chief among whom were Arthur Lee, who was instructed to communicate with Count Vergennes, in Paris, and Charles W. F. Dumas, a Swiss gentleman, then residing at the Hague, a friend of Franklin's and a student of international law.* The first representative sent by the Committee abroad was Silas Deane, of Connecticut. His instructions, † dated March 3, 1776, are to appear in France "in the character of a merchant," as the "Court of France may not like it should be known publicly that any agent from the Colonies is in that country," but to confide to Count Vergennes that he has come "upon business of the American Congress." He is to endeavor to obtain arms and ammunition for the defense of the Colonies, and to ascertain whether, in the event of their being "forced to form themselves into an independent state," France would

* Parton's Franklin, II, 3. Dumas afterwards acted with John Adams when the latter was on his mission to the Hague, and held office after the adoption of the Constitution (see p. 67).

† Diplomatic Correspondence, I, 8.

feel disposed to enter into a treaty of friendship and alliance with them.

September 26, 1776, the mission to France was made a Commission, with Deane, Franklin, and Jefferson as the members. They were elected by Congress, and a committee composed of Robert Morris, Richard Henry Lee, George Wythe, and John Adams was chosen "to prepare a draft of letters of credence to the Commissioners" and their instructions.* Jefferson declining to serve, Arthur Lee was elected in his place.† The Secret Committee was composed at this time of Benjamin Harrison, Richard Henry Lee, John Witherspoon, and William Hooper, but the two last did not act continuously. ‡

It was decided later to send Commissioners to other European states, and Franklin and Arthur Lee were selected for Spain, Ralph Izard

* Secret Journals of Congress, II, 31.

† *Ibid.*, II, 35.

‡ Department of State MS. archives.

for Tuscany, and William Lee for Vienna and Berlin.*

The functions of the Secret Committee of Correspondence, after its first action, do not appear to have been important. Arthur Lee and Thomas Morris, who acted as the commercial agents of the Colonies while the committee was still in existence, did not correspond with it, but were under the jurisdiction of the Secret Committee of Congress, a separate committee from the Secret Committee of Correspondence. "As all affairs relative to the conduct of commerce and remittance," wrote the latter to the Commissioners at Paris, "pass through another department, we beg leave to refer you to the Secret Committee, and Mr. Thomas Morris, their agent in France, for every information on these subjects."†

On April 17, 1777, the title of the Committee was changed, and it became the "Committee of

* Secret Journals of Congress, II, 45. They did not perform diplomatic functions at these courts, however.

† Letters of William Lee, I, 195.

Foreign Affairs." The first members were Benjamin Harrison, Robert Morris, Thomas Hayward, jr., and James Lovell. Hayward did not act after August, and in October John Witherspoon went on the Committee, and later Richard Henry Lee. The first Secretary of the Committee was Thomas Paine, appointed at a salary of \$70 per month.* He severed his connection with it in January, 1779.† The chief function of the Committee was to furnish the agents of the Government abroad with full accounts of the course of events in America. Beyond that it acted simply as an agent to execute the orders of Congress, and was intrusted with few of the duties that subsequently pertained to it. The members of the Committee were being constantly changed, and the communications reflected the opinions of those who happened to be serving at the time they were sent.

* Department of State MS. archives.

† Paine was dismissed by Congress for making an official matter public. An explanation and a defense of his conduct may be found in Conway's *Life of Paine*, I, 90 *et seq.*

Communications relative to foreign affairs were usually referred by Congress to special committees; and May 1, 1777, less than a month after the Foreign Affairs Committee had been instituted, John Wilson, John Adams, and Richard Henry Lee were selected a committee to "inquire into the laws and customs of nations respecting neutrality, and to report their opinion, whether the conduct of the King of Portugal, in forbidding the vessels of the United States to enter his ports, and ordering those already there to depart at a short day is not a breach of the laws of neutrality."* Inquiries of this character, it might reasonably be expected, would fall within the functions of the Foreign Affairs Committee, but rarely did so.

The communications of the Committee were usually signed by several of the members; but Lovell signed them—often "for the Committee"—continuously up to the time the Committee was superseded by the Department of

* Secret Journals of Congress, II, 44.

Foreign Affairs. It is fair to presume, therefore, that he was the most active member of the Committee, and that its business was carried on chiefly by him.*

The first public recognition of the independence of the United States by a foreign power was recorded in the Treaty of Amity and Commerce and of Alliance Eventual and Defensive between the United States and France, signed at Paris, February 6, 1778, by Benjamin Franklin, Silas Deane, and Arthur Lee, on the part of the United States, and by C. A. Gérard, on the part of France; and following this treaty, in July, 1778, came Gérard, the first representative of a foreign state to the United States. He was styled Minister Plenipotentiary, † and bore a commission also as Consul-General. ‡

* James Lovell was born in Boston, October 31, 1737, graduated at Harvard in 1756, and was a school-teacher. He was imprisoned by the British after Bunker Hill battle, but exchanged, and entered Congress December, 1776, serving till 1782. He espoused the cause of General Gates against Washington (Appleton's *Cyclopædia of American Biography*). He was a member of the Committee of 1779 to furnish a design for a seal of the United States, but the design was not adopted (*The Seal of the United States*, Department of State, 1892).

† *Secret Journals of Congress*, II, 92.

‡ Department of State MS. archives.

Soon after his arrival, he transmitted to the President of Congress a copy of the speech he intended to deliver at his first audience, and it was referred, with the question of the ceremonies to be observed in receiving him, to R. H. Lee, Robert Morris, and Witherspoon.* They prefaced their report with the following "observations:"

That Ministers being of three different classes, viz. 1. ambassadors, 2. Ministers Plenipotentiary and Envoys and 3. Residents, it will be necessary to establish a ceremonial for each according to their respective Dignity. That your Committee report for an Ambassador the following Ceremonial, viz—

When he shall arrive within any of the United States he shall receive from any Battery, Fort or Castle the same salute or other Honors which are paid to the Flag of the Prince or State which he shall represent † and when he shall arrive at the Place which the Congress shall be he shall wait upon the President and deliver his credentials or copies thereof. Three members of Congress shall then be deputed to wait upon him.*

*Department of State MS. archives.

† "Also at all Places where there are guards Centries and the like he shall receive the same military Honors and Respect which are paid to a General officer in the service of the United States of the highest Rank." (Note in original MS.)

For a Resident Minister the committee proposed to omit the honor of escort by three members of Congress and to substitute a Master of Ceremonies. The other ceremonies were modified in the same proportion.

The consideration of so much of this report as related to Ambassadors and Resident Ministers was postponed as unnecessary at the time. The ceremonies in the case of Ministers Plenipotentiary were prescribed in the following resolutions which were adopted:

At the time he is to receive his audience, the two members [who are to act as his escort] shall again wait upon him in a coach belonging to the States; and the person first named of the two shall return with the minister plenipotentiary or envoy in the coach, giving the minister the right hand and placing himself on his left, with the other member on the front seat.

When the minister plenipotentiary or envoy is arrived at the door of the Congress hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. Then the member first named shall present and announce him to the President and the house; whereupon he shall bow to the President and the Congress, and they to

him. He and the President shall again bow unto each other, and be seated, after which the house shall sit down.

Having spoken and been answered, the minister and President shall bow to each other, at which time the house shall bow, and then he shall be conducted home in the manner in which he was brought to the house.

Those who shall wait upon the Minister, shall inform him, that, if in any audience he shall choose to speak on matters of business, it will be necessary previously to deliver in writing to the President, what he intends to say at the audience; and if he shall not incline thereto, it will, from the Constitution of Congress, be impracticable for him to receive an immediate answer.

The style of address to Congress shall be "Gentlemen of the Congress."

All speeches or communications in writing may, if the public ministers choose it, be in the language of their respective countries. And all replies, or answers, shall be in the language of the United States.

After the audience, the members of Congress shall be first visited by the Minister Plenipotentiary or Envoy.*

These ceremonies were followed when the French Minister had his first audience, August 6, 1778. The Committee of Foreign Affairs

*Secret Journals of Congress, II, 94 *et seq.*

did not participate in the ceremonies as a committee.* The communications of the French Minister were sent direct to the President of Congress, and were considered by the whole Congress after having been reported upon by some special committee. Upon occasion, in the event of some communication of importance, the President of Congress would declare that, in his opinion, it was expedient that the Congress and the Minister should confer. The latter would then meet the Congress in committee of the whole, and the result of the interview would be reported to the Congress itself. The Minister held the right to be present, however, when foreign affairs were being discussed, and thus became a potent factor in the conclusions reached. His dispatches to his Government are in themselves a record of the proceedings of the Congress.

The discussion of negotiating a treaty of

*After the Department of Foreign Affairs had been organized a few unimportant changes were made in these ceremonies. (Department of State MS. archives.)

peace with Great Britain began in Congress early in the summer of 1779, and August 4 a committee of five was selected "to prepare instructions for the minister plenipotentiary of these United States to be appointed for negotiating a treaty of peace."* August 13 Robert Morris, Henry Laurens, Samuel Huntington, John Dickinson, and Thomas McKean, the members chosen, submitted a draft, which was debated paragraph by paragraph and adopted the next day.† This was the method usually pursued in the case of important communications, the Foreign Affairs Committee having no participation, as a committee, in their preparation.

The first Consul of the United States was William Palfrey, appointed December 9, 1780, to France,‡ "with powers adequate to a general agency in our commercial concerns there."§

* Secret Journals of Congress, II, 219.

† *Ibid.*, 224 *et seq.*

‡ *Ibid.*, 353.

§ Department of State MS. archives.

His commission, as, indeed, the commissions to our other agents abroad, did not differ materially from those now in use.

The necessity for a more adequate provision for managing the increasing foreign business of the country necessitated a change. "There is really," wrote Lovell to Arthur Lee, August 6, 1779, "no such thing as a committee of foreign affairs existing—no secretary or clerk further than I persevere to be one and the other. The books and the papers of that extinguished body lay yet on the table of Congress, or rather are locked up in the secretary's private box. There was a motion, as I have before told you, to choose a new committee; the house would not so insult *me*. An indifference then took place as to filling the old one, upon presumption, I suppose, that a little leaven would leaven the whole lump."* Nevertheless, in January, 1781, "a plan for the Department of Foreign Affairs" was reported to Congress as follows:

* Department of State MS. archives.

That the extent and rising power of these United States entitles them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connection.

That to render such an intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations and systems of these potentates, is obvious.

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and an unremitting application to the means of acquiring well grounded information.

That Congress are, moreover, called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the publick honour interest and safety.

That to answer these essential purposes, the committee are of opinion, that a fixed and permanent office for the department of foreign affairs ought forthwith to be established, as a remedy against the fluctuation, the delay and indecision to which the present mode of managing our foreign affairs must be exposed :

Whereupon :

Resolved, That an office be forthwith established for the

department of foreign affairs, to be kept always in the place where Congress shall reside.

That there shall be a secretary for the despatch of business of the said office, to be styled "secretary for foreign affairs."

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the department of foreign affairs, to receive and report the applications of all foreigners; to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before Congress when required; also to transmit such communications as Congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries; the said Secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department; he shall also be authorized to employ one or if necessary more clerks to assist him in his office; and the Secretary, as well as such clerks, shall, before the President of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.*

* Secret Journals of Congress, II, 580 *et seq.*

It was not until August 10 that the new Department was organized, when, on motion of William Floyd, of New York, Robert R. Livingston, of New York, was elected Secretary.* He had been a member of the Committee of Foreign Affairs for a brief period in 1779 ; but he declined the new office, until informed of the extent of his powers. Having been satisfied on this score, he accepted, September 23. Until then Lovell acted for the old Committee, his last communication bearing date September 20.†

In the meantime the Articles of Confederation had been adopted, and the United States had at least the form of a government.

Upon Livingston devolved the task of forming the new Department. He wrote, soon after he took office, to Count Vergennes, informing him of the change.

“Congress,” he said, “having thought it expedient to dissolve the committee of their own

* Secret Journals of Congress, II, 587.

† Department of State MS. archives,

body, by whom their Foreign Affairs had hitherto been conducted, and to submit the general direction of them (under their inspection) to a Secretary for Foreign Affairs I do myself the honour to inform Your Excellency that they have been pleased to appoint me to that Department, and to direct me to correspond in that capacity with the Ministers of Foreign Powers.”

He also informed Franklin, John Adams, Dana, and Jay, our ministers abroad, as soon as he took office.* He started record books, and endeavored to give system to the conduct of business; but the functions of his Department were ill defined, and Congress continued the custom of appointing special committees to consider diplomatic communications. January 25, 1782, Livingston set forth the difficulties surrounding the administration of the business of his office in a letter to the President of Congress.

*Department of State MS. archives.

In the first organization of a new Department [he wrote] some things are frequently omitted, which experience will shew, ought to be inserted, and many inserted which ought to be omitted ; it becomes the duty of those who are placed at the head of such department to mention the difficulties that may arise from these causes, and leave it to the Wisdom of Congress to alter them, or to Judge whether they can be changed without introducing greater inconveniences. Upon this principle Sir, I am induced to offer the following Observations.

The Secretary for Foreign Affairs is to correspond with the Ministers of the United States at foreign Courts, and with the Ministers of foreign Powers. This Correspondence must necessarily detail such Sentiments as the Sovereign wish to have known, and lead to such inquiries as they chuse to make. An intimate knowledge of their sentiments is therefore absolutely necessary to a discharge of this duty, and we accordingly find that the Minister for Foreign Affairs is in monarchical governments considered as the most confidential servant of the Crown. In Republics it is much more difficult to execute this task, the Sentiments of the Sovereign sometimes changes with the Members of the body which compose the Sovereignty, it is more frequently unknown no occasion offering on which to call it forth. It is never perfectly expressed but by some publick Act, waiting for this time, and the advantages

of embracing a favorable opportunity are frequently lost. There are numberless minutiae upon which no act is formed, and about which notwithstanding their Sentiments should be known to their Ministers. There are even occasions in which their Secretary should speak a Sentiment which it would be improper for them to declare by a publick Act. Congress sensible of the inconvenience that the officer entrusted with the management of their foreign Affairs must labor under in the execution of his duty without a more perfect knowledge of their Sentiments than can be obtained from their publick Acts, have been pleased to admit him to attend Congress that (as the Ordinance expresses it) he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department. But here it stops short and does not shew in what manner he is to gain the sentiments of Congress, when he does himself the honour to attend upon them. It is true they may in part be collected from an attention to the Debates, but it often so happens that the debate does not take the turn that he would wish in order to satisfy a doubt, and he goes away after hearing a subject largely distressed, ignorant perhaps of the only point upon which he wishes to be informed, when perhaps by a single question his doubt might be removed, or by a word of information which he has the best means of acquiring, a debate might be shortened. It is true the power

of explaining his reports given by the Ordinance seems to imply a permission to offer his sentiments, when they are under consideration, but as I do not wish to assume a liberty, which is not explicitly given, I must beg the Sentiments of Congress on this subject. The Ordinance is also deficient in not affording a power to the Secretary for foreign affairs to take order upon the application either of Foreigners or Subjects relative to matters not of sufficient moment to engage the Attention of Congress—as for instance, application for aid in procuring the release of an American taken under particular circumstances in English ships, and confined in the french West Indies or elsewhere, claims upon Prizes carried into the french Islands &c. which cases occur every day and are attended with long Memorials which would take up much of the time and attention of Congress. As I have hitherto taken the Liberty to transact Business of this kind with the Minister of his most Christian Majesty, and the Governors or Generals of the french Islands, I wish to be justified in so doing by the orders of Congress—As a check upon myself I keep a Book (tho it is attended with much labour) in which all such applications, and the steps taken in consequence thereof are inserted at length. The organization of this office will too I presume render some alterations necessary in matters of form and Ceremony as heretofore settled by Congress, in conformity to the practice of other Nations, and to enable us to avail ourselves of the advantage they sometimes afford in creating

usefull delays, and concealing for political Reasons the views of the Sovereign. Congress having vested me with the power of appointing clerks I have appointed two Gentlemen is whose integrity and Abilities I can confide, these are barely sufficient to do the running business of the office which is much greater than I imagined it would be, five copies besides the draft being necessary of every foreign Letter or paper transmitted. To copy all the Letters which have hitherto been received, with the Secret Journals, and other extracts from the Books and files of Congress, tho' absolutely necessary both for order and security will be impossible without farther aid for at least one year. Congress have not indeed limited the number I may employ nor have they fixed their salaries, upon both of which points I could wish for their directions. An Interpreter is so necessary both for this department, and the Admiralty, that I cannot but recommend to Congress the appointment of one from whom, if a man in whom I could confide, I might receive assistance as a Secretary when hurried with business. It may possibly be expected that I should close this long letter by a report on the matters it contains, but as it is a delicate subject to point out a mode for extending my own powers, I only beg leave to recommend the enclosed Resolve.

I have, etc.,

R. R. LIVINGSTON.*

* Department of State MS. archives.

As soon as this letter had been read, Congress appointed Nicholas Everleigh, Edmund Randolph, and William Ellery a committee to confer with Livingston.* They made an inventory of the Department :

List of Books and papers kept in the office of foreign affairs.

Books.

1. Book of Foreign Letters.
 2. Book of American Letters.
 3. Book of Resolutions of Congress.
 4. Journal of daily Transactions.
 5. Book of reports made to Congress.
 6. Letters of the late Comm. for foreign affairs.
 7. A Book containing commissions and Instructions to the ministers at foreign courts.
 8. One more do.
 9. A Book of the Letters of the Commissioners in France while Mr. Adams was among them.
 10. Communications of Monsr. Gerard.
 11. Do of the Chv. de la Luzerne
 12. Letters of Mr. J. Adams
 13. Letters of Mr. Arthur Lee.
- } not completed

* Department of State MS. archives.

Papers.

- 1st Box. 1. Joint Letters from the Commrs. of Congress at Paris.
2. Letters from the Hon. B. Franklin.
3. Letters from the Hon. J. Laurens.
4. Letters from the Hon. J. Laurens.
5. Letters from Mr. T. Barclay.
6. Correspond. betw. Mr. Adams & Count Vergennes.
- 2nd Box. 1. Letters from Hon. J. Jay.
2. Letters from the Hon. W. Carmichael.
3. Letters from Mr. B. Harrison.
- 3rd Box. 1. Letters from Hon. John Adams.
2. Letters from F. Dana, Esq.
- 4th Box. 1. Letters from Mr. Dumas.
2. Letters from Mr. J. De Neuville.
- 5th Box. Letters from Messrs. Deane, Izard &c.
- 6th Box. Letters from Messrs. Bingham, Parsons &c.
- 7th Box. Letters, notes, memorials and communications to the Chv. de la Luzerne.
- 8th Box. Original papers relative to complaints referred to the office of foreign affairs.
- 9th Box. Miscellaneous letters & papers.*

*Department of State MS. archives.

On their report it was—

Resolved, That the department of foreign affairs be under the direction of such officer as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be styled “Secretary to the United States of America for the Department of Foreign Affairs,” shall reside where Congress or the committee of the States shall sit, and hold his office during the pleasure of Congress.

That the books, records and other papers of the United States that relate to this department, be committed to his custody, to which, and all other papers of his office, any members of Congress shall have access; provided that no copy shall be taken of matters of a secret nature without the special leave of Congress.

That the correspondence and communications with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department; provided always, that letters to ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national sub-

jects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted.

That the secretary for the department of foreign affairs correspond with the governours or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States, stating complaints that may have been urged against the government of any of the said states, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such state, or the charge proved to be groundless, and the honour of the government vindicated. He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated, in order to afford Congress the most comprehensive view of the subject; and if he conceives it necessary, accompany such memorial with his report thereon. He may concert measures with the ministers or officers of foreign powers amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power, or the subjects thereof, making minutes of all his transactions relative thereto, which have passed on such occasions. He shall report on all occasions expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive

it necessary. And that he may acquire that intimate knowledge of the sentiments of Congress which is necessary for his direction, he may at all times attend upon Congress; and shall particularly attend when summoned or ordered by the President. He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member, and no objection be made by Congress. He shall answer to such inquiries respecting his department as may be put from the Chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress. The answers to such questions may, at the option of the secretary, be delivered by him in writing. He shall have free access to the papers and records of the United States in the custody of their secretary, or in the offices of finance and war and elsewhere. He may be furnished with copies or take extracts therefrom, when he shall find it necessary. He shall use means to obtain from the ministers and agents of the United States in foreign countries an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States. All letters to sovereign powers, letters of credence, plans of

treaties, conventions, manifestoes, instructions, passports, safe-conducts and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress; and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded. If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the secretary for the department of foreign affairs, shall be considered authentic, and the ministers of the United States at foreign courts may govern themselves thereby in the like manner as if the originals had been transmitted. And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary and one, or if necessary, more clerks, to assist him in the business of his office.

Resolved That the salaries annexed to this Department shall be as follows :

To the secretary of the United States for the department of foreign affairs, the sum of four thousand dollars per annum, exclusive of office expenses to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each five hundred dollars per annum.

Resolved, That the secretary for the department of for-

eign affairs, and each of the persons employed under him, shall take an oath before a judge of the state where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

Resolved, That the act of the 10th of January, 1781, respecting the department of foreign affairs, be and is hereby repealed.*

These resolutions, which embodied remedies for the difficulties Livingston had pointed out in his letter, were passed February 22, 1782, and modified March 1 so as to allow the appointment of two Under Secretaries at a salary of \$800 and \$700 per annum, respectively, instead of a Secretary and clerk.

Communications from our Ministers abroad now regularly came to Livingston, and were by him submitted to Congress, and the replies were sent through him. The French Minister, however, communicated occasionally directly with Congress.

The workings of the Department were still

* Secret Journals of Congress, III, 93.

unsatisfactory, as, indeed, all our Governmental workings at the time were;* and Madison, Izard, Witherspoon, and Clymer were appointed a committee to inquire into the proceedings of the Department. Lovell, also, was appointed, but left Congress before the report was completed. The committee reported September 18, 1782, that, from the time of the institution of the Department, in October, 1781, up to July 5, 1782, the Secretary for Foreign Affairs had sent fourteen letters to the Minister Plenipotentiary at Versailles, ten to the Minister Plenipotentiary at Madrid, eight to the Minister Plenipotentiary at the Hague, five to the Minister Plenipotentiary at St. Petersburg, two to the Secretary of Legation at Madrid, to our Consul in France four letters, five to our Agent at Habana, one to Mr. Dumas, one to Messrs. de Neuville & Son, three to Mr. Harrison at Cadiz, one to

* Rudely formed amid the agonies of a revolution, the Confederation had never been revised and brought nearer to perfection in a season of tranquility. Each of the thirteen States the Union bound together retained all the rights of sovereignty, and asserted them punctiliously against the central government. (McMaster's History of the People of the United States, I, 130.)

Samuel Parsons at Martinique, and thirteen to the French Minister. The Department had also corresponded with the Governors and Presidents of the States, requesting authentic statements of damages sustained from the enemy, sending circulars containing information touching the progress of our foreign intercourse and similar information. Altogether there had been but eight of these communications. The report closed as follows:

Upon the whole the committee report that the business of this Department appears to have been conducted with much industry, attention and utility; and without any errors or defects worthy of being taken notice of to Congress. Such improvements and alterations in the general plan of the business as were judged by the committee proper they have taken the liberty of suggesting to the Secretary in the course of their inquiry. As far as their suggestions can be of use, the committee have no doubt that they will be attended to.*

December 3, 1782, Livingston announced his intention of retiring from office, but consented

* Department of State MS. archives.

to remain until May following, and did, in fact, serve until June 4, when he took his departure for New York, receiving before he left the thanks of Congress for his services. He gave as his reasons for resigning that he had been elected to an important office in the State of New York (the Chancellorship), and that he could not, in justice to himself, sacrifice such a portion of his private fortune as was absolutely necessary to support his office.

Previous to his departure he submitted to Congress a report showing all the officers serving under him, with their salaries.

The "Secretary to the United States for Foreign Affairs" received a salary of \$4,000 per annum. Benjamin Franklin, "Minister Plenipotentiary of the United States at the Court of Versailles, and Minister Plenipotentiary for negotiating a Peace;" John Adams, "Minister Plenipotentiary at the Hague and for negotiating a Peace;" John Jay, Minister Plenipotentiary at Madrid and for negotiating a peace; Henry

Laurens, Minister Plenipotentiary for negotiating a peace; and Thomas Jefferson, with the same rank, each received a salary of \$11,111 per annum. William Carmichael, "Secretary to the Embassy at the Court of Madrid," and Francis Dana, Minister of the United States at the Court of St. Petersburg, each received \$4,444.40 per annum. Charles W. F. Dumas, "Agent of the United States at the Hague," received \$920; William Temple Franklin, "Secretary to the honorable Benjamin Franklin," \$1,300; Lewis R. Morris, "first under Secretary in the Office for Foreign Affairs," \$800; Peter L. Du Ponceau, "Second Under Secretary in the Office for foreign affairs," \$700; John P. Tetend, "Clerk and Interpreter of the French Language," \$500; Walter Stone, "Clerk," \$500; making a total of \$73,244.*

Livingston left the business of the Department in the hands of the Under Secretary, Lewis R. Morris;* but Morris was without authority

*Department of State MS. archives.

to act, and August 19, 1783, a resolution was introduced in Congress to the effect that it was highly important that a Secretary be appointed, and that, pending such action, the papers of the office be disposed of temporarily, so that the members of Congress might have access to them. Morris, who is represented to have been a personal friend of Livingston's,* severed his connection with the office soon after Livingston left; and early in March, 1784, Henry Remsen, jr., was elected Under Secretary and put in charge of the papers. From the time of Livingston's departure until the arrival of his successor, John Jay, the functions of the Department were practically suspended.

Notice having been received from Franklin that Jay intended leaving France for America in April, 1784, Gerry nominated him in Congress for Secretary of Foreign Affairs, and he was elected. He took the oath of office and entered on his duties September 21, 1784. Rem-

* Department of State MS. archives.

sen was continued as Under Secretary; but Jay deemed the arrangement of one Secretary and clerks advisable, and he was given authority to return to that plan.*

Jay had hardly taken control before he wrote to the President of Congress (January 23, 1785):

I have some reason, Sir, to apprehend that I have come into the office of Secretary for foreign affairs with Ideas of its Duties & Rights somewhat different from those which seem to be entertained by Congress.*

He accordingly asked for instructions, and the duties of the Department were defined by Congress. It was resolved, February 11, 1785, that—

All communications as well to as from the United States in Congress assembled, on the subject of foreign affairs, be made through the Secretary for the department of foreign affairs; and that all letters, memorials or other papers on the subject of foreign affairs, for the United States in Congress assembled, be addressed to him.

Resolved, That all papers written in a foreign language,

* Department of State MS. archives.

which may in future be communicated to Congress from the office of the department of foreign affairs, shall be accompanied with a translation into English.

Resolved, That the Secretary for the department of foreign affairs be and he is hereby authorized, to appoint an interpreter, whose duty it shall be to translate all such papers as may be referred to him, as well by the United States in Congress assembled as by Committees of Congress, the secretary for the department of foreign affairs, the secretary of Congress, the board of treasury, or the secretary for the department of war; and who shall be entitled to receive such allowance as the secretary for foreign affairs may think sufficient, not to exceed the annual pay of a clerk in the office; and who, previous to his entering on his duty as interpreter, shall take the oath of fidelity, and the oath of office, prescribed in an ordinance passed on the 27th day of January last, a registry of which oaths shall be kept in the office of the secretary of Congress.*

The Secretary still had no power to take important action without the authority of Congress. To carry on boundary negotiations with the Spanish Minister, for instance, it was necessary that he should have full powers from

*Secret Journals of Congress, III, 527.

Congress, and August 29, 1786, they were conferred upon him—

To treat, adjust, conclude and sign with don Diego de Gardogui, encargado de negocios of his catholic Majesty whatever articles, compacts and conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his catholic majesty, whatever articles compacts and conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his catholick majesty, and for promoting the general harmony and mutual interest of the two nations.

He was, however, charged to inform Congress what propositions were made to him before he agreed to any of them.

All the treaties had thus far been negotiated under instructions from Congress by our Ministers abroad. Their ratification by Congress was announced by proclamation. The approval of the representatives of at least nine States was necessary under the Confederation for ratification.

The Constitution of the United States had

been adopted, and elections were in progress for the new Congress, when the last Congress under the old Confederation appointed, August 14, 1788, a committee composed of Messrs. Otis, L'Hommedieu, Reed, Tucker, and Brown to report on the condition in which the Department of Foreign Affairs then was. They found that it occupied two rooms, one being the Secretary's and the other that of his Deputy and clerks. The methods of doing business were set forth:

The daily transactions are entered in a minute Book as they occur, and from thence are mostly copied into a Journal at Seasons of Leisure. This Journal contains a note of the Dates, Receipt and contents of all Letters received and written by him, with References to the Books in which they are recorded—of all matters referred to him, and the Time when, and of his Reports thereupon; and in general of all the Transactions in the Department. It is very minute and at present occupies 2 Folio Vols.

His official Letters to the ministers and servants of congress and others abroad are recorded in a Book entitled *Book of foreign Letters*, and such parts as require secrecy are in cyphers.

The official Correspondence with foreign ministers here, and with officers of Congress, and others in the United States, including the Letters received * * * and written by him, are recorded at large in a Book entitled *American Letter Book*. They already fill 3 folio vols.

His Reports to Congress are recorded in a Book entitled Book of Reports, the 3d Vol. of which is now in Hand. The Papers on which the Reports are made are subjoined to the Report, unless in Cases where according to the ordinary course of the office, they are recorded in other Books.

His Correspondence and the Proceedings with the Encargado de Negocios of Spain are recorded in a Book kept for that Purpose.

The Passports for vessels issued by the Secretary under the Act of Congress of 12th February 1788, together with the evidence accompanying the several Applications, are recorded in a Book kept for that Purpose. The Letters of Credence and Commissions of foreign Ministers, Chargé des Affaires and Consuls to the United States, are recorded in a Book entitled *Book of foreign Commissions*.

There is also a Book kept and regularly sent to the Secretary of Congress, to receive such Acts of Congress as respect the Department. A Book of Accounts is kept in which are entered the contingent Expenses of the office.

The Business of the office is done by his Deputy and two Clerks and whatever Time can be spared from the

ordinary and daily Business is employed in recording the Letters received from the American Ministers abroad. In this Work considerable Progress has been made—We find already recorded *one vol.* containing the Letters of Mr. Dana during his mission to Russia, commencing 18th February 1780 and ending 17th December 1783 of Mr. H. Laurens commencing 24th January 1780 and ending 30th April 1784, and of Mr. John Laurens during his special mission to Versailles, commencing 3rd January 1781 and ending 6th September following. *Five vols* containing the letters of Mr. Adams commencing 23rd December 1777 and brought up to 10th April 1787, the 6th vol is now in hand. *Two vols* containing the Letters from Mr. Jay commencing the 20th December 1779 and ending 25th July, 1784. The Letters from Mr. Deane commencing 17th September 1776 and ending 17th March 1782 are recorded, and those from Mr. Arthur Lee commencing 13th February 1776 and brought up to 13th February 1778 are now in hand.

Those from Dr. Franklin, Mr. Jefferson the first joint Commissioners the joint commissioners for negotiating a Treaty of Peace, and those for negotiating Treaties of Commerce, Mr. William Lee, Mr. Dumas and others are numerous, and are yet to be recorded.

The Letter Book of the late Committee for foreign Affairs composed of sheets stitched together and much

corn, has been fairly copied in a bound Book and indexed. The Books used for these Records are of demy Paper, and each vol contains from 5 to 6 Quires of Paper, being all of a size, except the two Vols. of the Secretary's Reports which are somewhat less.

There is an index to the Paper Cases, and to the Boxes in each case, and to the Papers in each box. In these cases and boxes are filed the original Letters and Papers belonging to the office. The office is constantly open from 9 in the morning to 6 o'clock in the Evening, and either his Deputy or one of the Clerks remains in the office while the others are absent at Dinner.

The report concludes, "and upon the whole they find neatness, method and perspicacity throughout the Department."*

Such was the condition of the Department of Foreign Affairs when the Government took its new form under the Constitution. Livingston and Jay had been the only Secretaries.

* Department of State MS. archives.

II.

FORMATION OF THE DEPARTMENT OF STATE.

THE first Congress under the Constitution obtained a quorum in both branches early in April, 1789. After Washington had been declared elected President and John Adams Vice-President, the question of providing the proper executive machinery for the Government was taken up, and among the first Departments brought under consideration was that of Foreign Affairs. The plan of operating the old Department developed by Livingston and Jay was good, as far as it went. The trouble lay in the insufficient authority vested in the department and the insufficient authority of the old Congress itself. In providing for the new Department the design at first was for a foreign office, completely separated from the conduct of do-

mestic affairs, and the bill introduced in the House June 2 was framed accordingly. One clause of this bill, to the effect that the Secretary for Foreign Affairs should be "removable from office by the President of the United States," gave rise to debate, which continued a week.

William Smith, of South Carolina, said:

Either that the constitution has given the President the power of removal, and therefore it is nugatory to make the declaration here; or it has not given the power to him, and therefore it is improper to make an attempt to confer it upon him.

It was contended that the power of appointment carried with it the power of removal; but an appointment required the advice and consent of the Senate—did not a removal also require it?

Boudinot, of New Jersey, said:

If the President complains to the Senate of the misconduct of an officer, and desires their advice and consent to the removal, what are the Senate to do? Most certainly they will inquire if the complaint is well founded. To do

this they must call the officer before them to answer. Who, then, are the parties? The Supreme Executive against his assistant; and the Senate to sit as judges to determine whether sufficient cause of removal exists. Does not this set the Senate over the head of the President? But suppose they shall decide in favor of the officer, what a situation is the President then in, surrounded by officers with whom he can have no confidence.

He thought the President had the right of removal, but that, as some doubt respecting the construction of the Constitution had arisen, the clause ought to remain in the bill. Madison also supported this view, and the bill, containing in the second section an expression of the right of removal, passed the House by a vote of twenty-nine to twenty-two June 27.* As it went to the Senate it read as follows:

Be it enacted by the Congress of the United States that there shall be an executive department to be denominated the department of Foreign affairs: and that there shall be a principal officer therein, to be called the Secretary for the department of foreign affairs, who shall perform and ex-

*Annals of Congress, I, 417 *et seq.*

ecute such duties, as shall from time to time be enjoined on, or be entrusted to, him by the President of the United States agreeable to the Constitution, relative to correspondencies Commissions, or instructions, to or with public Ministers or Consuls, from the United States, or to negotiations from foreign States or Princes, or to memorials or other applications, from foreign public ministers, or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States may assign to the said department: and furthermore that the said principal officer, shall conduct the business of the said department in such a manner as the President of the United States shall from time to time, order or instruct.

And be it further enacted That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the Chief Clerk in the department of foreign affairs, and who whenever, the said principal officer shall be removed from office by the President of the United States, or in any other case of Vacancy shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department—Provided, nevertheless that no appointment of such chief Clerk shall be valid until the same shall have been approved by the President of the United States.

And be it further enacted, That the said principal officer,

and every other person to be appointed or employed in the said department, shall before he enters on the exercise of his office or employment take an oath or affirmation, well and faithfully to execute the trust committed to him.

And be it further enacted that the Secretary for the department of foreign affairs, to be appointed in consequence of this act shall forthwith after his appointment be entitled to have the Custody and charge of all records books, and papers in the office of Secretary for the department of foreign affairs heretofore established by the United States in Congress assembled.

Passed the House June 24, 1789.

This is indorsed "Copy as it came from House."*

In the Senate the bill was again debated; but, as the sessions were held behind closed doors, there is no record of what was said. It was passed July 18, with slight amendment, the proviso requiring the President's approval of the Chief Clerk being struck out, and the phrase "Congress of the United States" being altered to "Senate and House of Representatives of the

* U. S. Senate MS. archives. The archives of the House covering this period were destroyed by the British in the war of 1812.

United States of America in Congress assembled.”* On the 20th the House agreed to the Senate amendments,† and the President signed the bill the 27th. The final act read:

An act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

(Sect. 1.) *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That there shall be an executive department, to be denominated the department of foreign affairs, and that there shall be a principal officer therein, to be called the secretary for the department of foreign affairs, who shall perform and execute such duties as shall, from time to time, be enjoined on or intrusted to him by the president of the United States, agreeable to the constitution, relative to correspondences, commissions, or instructions, to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers, or other foreigners, or to such other matters respecting foreign affairs as the president of the United States shall assign to the said department; And furthermore, that the said principal officer shall conduct the business of the said department in such manner as the

*U. S. Senate MS. archives.

†Annals of Congress, 1, 51, 52.

president of the United States shall, from time to time, order or instruct.

(Sect. 2.) *And be it further enacted*, That there shall be in the said department an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief clerk in the department of foreign affairs; and who, whenever the said principal officer shall be removed from office by the president of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said department.

(Sect. 3.) *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed, in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, *well and faithfully to execute the trust committed to him*.

(Sect. 4.) *And be it further enacted*, That the secretary for the department of foreign affairs, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers, in the office of secretary for the department of foreign affairs, heretofore established by the United States in congress assembled.

(Approved, July 27, 1789.)

Before the final passage of this Act, but after it had passed the House, Vining, of Delaware, mapped out what were to be the functions of the Home Department, which should be separate from the Foreign Department. His resolutions, as introduced in the House, read :

* * * That an Executive department ought to be established, and to be denominated the Home department ; the head of which to be called the Secretary of the United States for the Home Department ; whose duty it shall be to correspond with the several States, and to see to the execution of the laws of the Union ; to keep the great seal, and affix the same to all public papers, when it is necessary ; to keep the lesser seal, and to affix it to commissions, &c. ; to make out commissions, and enregister the same ; to keep authentic copies of all public acts, &c. ; and transmit the same to the several States ; to procure the acts of the several States, and report on the same when contrary to the laws of the United States ; to take into his custody the archives of the late Congress ; to report to the President plans for the protection and improvement of manufactures, agriculture, and commerce ; to obtain a geographical account of the several States, their rivers, towns, roads, &c. ; to report what post roads shall be established ; to receive

and record the census; to receive reports respecting the Western territory; to receive the models and specimens presented by inventors and authors; to enter all books for which patents are granted; to issue patents, &c.; and, in general, to do and attend to all such matters and things as he may be directed to do by the President.*

The proposition met with little favor. Benson, of New York, thought "the less the government corresponded with particular states the better;" and White, of North Carolina, gave it as his opinion that correspondence with States was the business^o of the Chief Executive, and it belonged to the judiciary to see that the laws were executed. The great seal might be kept by the Secretary of Foreign Affairs, and the lesser seal also.† Commissions should be made out by the departments under which the appointees were to serve. The public acts could be sent to the Executives of the States by the officers of Congress. Post roads properly belonged

*Annals of Congress, I, 666.

†There was no lesser seal, nor was one ever authorized.

under the supervision of the Postmaster-General, and it was hardly necessary to establish a great department for the purpose of receiving the models, specimens, and books presented by inventors and authors.

To this Vining replied that the duties mentioned in his resolutions were necessary, but that they were foreign to each of the departments projected. He thought they could best be performed by a confidential officer under the President.

As soon as the resolutions had been defeated, Theodore Sedgwick, of Connecticut, moved—

That a committee be appointed to bring in a bill supplementary to the act for establishing the Department of Foreign Affairs, declaring that department to be hereafter denominated ———, and that the principal officer in that department shall have custody of the records and seal of the United States, and that such bill do contain a provision for the fees of office to be taken for copies of records, and further provision for the due publication of the acts of Congress, and such other matters relating to the premises,

as the Committee shall deem necessary to be reported to this House.

This motion was also lost, but July 31 Sedgwick introduced a bill "to provide for the safe keeping of the acts, records, and great seal of the United States, for the publication, preservation, and authentication of the acts of Congress &c," which was read the third time and passed August 27.* It was reported to the Senate the next day, referred to a committee composed of Rufus King, William Patterson, and George Read, concurred in with slight amendments† September 7,‡ reported back to the House and agreed to the following day.§ The President signed it the 15th. This was the bill establishing the Department of State. It read as follows:

An act to provide for the safe keeping of the acts, records, and seal, of the United States, and for other purposes.

(Sect. 1.) *Be it enacted by the senate and house of repre-*

*Annals of Congress, I, 674 *et seq.*

†U. S. Senate MS. archives.

‡Annals of Congress, I, 73, 74, 75.

§*Ibid.*, 886.

sentatives of the United States of America in congress assembled, That the executive department, denominated the department of foreign affairs, shall hereafter be denominated the department of state, and the principal officer shall hereafter be called the secretary of state.

(Sect. 2.) *And be it further enacted*, That whenever a bill, order, resolution, or vote, of the senate and house of representatives, having been approved and signed by the president of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said secretary from the president: and whenever a bill, order, resolution, or vote, shall be returned by the president with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two thirds of both houses of congress, and thereby become a law or take effect, it shall, in such case, be received by the said secretary from the president of the senate, or the speaker of the house of representatives, in whichever house it shall last have been so approved; and the said secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed in the United States, and shall also cause one printed copy to be delivered to each senator and representative of the United States, and two printed copies, duly authenticated, to be

sent to the executive authority of each state; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose.

(Sect. 3.) *And be it further enacted,* That the seal heretofore used by the United States in congress assembled, shall be, and hereby is declared to be, the seal of the United States.

(Sect. 4.) *And be it further enacted,* That the said secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions to officers of the United States to be appointed by the president, by and with the advice and consent of the senate, or by the president alone. *Provided,* That the said seal shall not be affixed to any commission, before the same shall have been signed by the president of the United States, nor to any other instrument or act, without the special warrant of the president therefor.

(Sect. 5.) *And be it further enacted,* That the said secretary shall cause a seal of office to be made for the said department, of such device as the president of the United States shall approve, and all copies of records, and papers, in the said office, authenticated under the said seal, shall be evidence equally as the original record, or paper.

(Sect. 6.) *And be it further enacted,* That there shall be paid to the secretary, for the use of the United States, the following fees of office, by the persons requiring the ser-

vices to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit; For making out and authenticating copies of records, ten cents for each sheet containing one hundred words; for authenticating a copy of a record, or paper, under seal of office, twenty five cents.

(Sect. 7.) *And be it further enacted*, That the said secretary shall, forthwith after his appointment, be entitled to have the custody and charge of the said seal of the United States, and also of all books, records, and papers, remaining in the office of the late secretary of the United States in congress assembled; and such of the said books, records, and papers, as may appertain to the treasury department, or war department, shall be delivered over to the principal officers in the said departments, respectively, as the president of the United States shall direct.

(Approved September 15, 1789.)

This Act was supplemented by the following:

Resolved, That it shall be the duty of the Secretary of State to procure, from time to time, such of the statutes of the several states as may not be in his office.

(Approved, September 23, 1789.)

And so much of the Act of July 27, 1789, as

related to an Acting Secretary was changed by the following :

And be it further enacted, That in case of the death, absence from the seat of government, or sickness, of the Secretary of State, Secretary of the treasury, or of the secretary of the war department, or of any officer of either of said departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence, or inability by sickness shall cease.

(Approved May 8, 1792)

This was, in its turn, modified in 1795.

Be it enacted, etc., That, in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the Department of war, or of any officer of either of the said departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the president of the United States, in case he shall think it necessary, to authorize any person or persons, at his dis-

cretion, to perform the duties of the said respective offices, until a successor be appointed or such vacancy be filled: *Provided*, That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.

Approved, February 13, 1795.

Early in June, 1789, while the old Department of Foreign Affairs still existed, Washington wrote to Jay, asking for "some informal communication from the office of Secretary for Foreign Affairs;"* and, after the new Department was formed, and had been enlarged into the Department of State, Jay continued at its head, although his nomination was not sent to the Senate, and he held no commission as Secretary of State. In view of the opinion expressed by Jefferson soon after he entered upon the duties of Secretary of State,† it may be doubted whether Jay did not become Secretary of State in the natural course of events, although he never received a formal appointment to the office.

*Correspondence and Public Papers of John Jay, III, 369.

†See p. 67.

The records intended for the Department Charles Thomson had had in his keeping as long as the old Congress lasted ; but they were, upon his resignation, delivered to Roger Alden by order of Washington. "You will be pleased, Sir," Washington wrote Thomson July 24, "to deliver the Books, Records and Papers of the late Congress—the Great Seal of the federal Union—and the Seal of the Admiralty, to Mr. Roger Alden, the late Deputy Secretary of Congress, who is requested to take charge of them until further directions shall be given."*

Information of the law authorizing the new Executive Department of Foreign Affairs was conveyed by the President to the Governors of the several States July 5, and September 21 they were informed of the passage of the Act making it the Department of State. A few days later Jay was nominated to be Chief Justice and Thomas Jefferson to be Secretary of State, and both were commissioned September 26.

* Department of State MS. archives.

Jay accepted at once, but continued to discharge the duties of Secretary of State for some months. Under date of October 13, Washington informed Jefferson of his appointment, and added that "Mr. Jay had been so obliging as to continue his good offices." Mr. Alden, he said, had the State papers and Mr. Remsen those relating immediately to foreign affairs.*

When this letter was written, Jefferson had not yet returned to America from his mission to France. Upon his arrival Jay wrote to him, December 12, congratulating him upon his appointment and recommending to him favorably "the Young gentlemen in the office."† Jefferson accepted the office in the following letter to the President:

Monticello Feb. 14. 1790

Sir

I have duly received the letter of the 21st of January with which you have honored me, and no longer hesitate to undertake the office to which you are pleased to call me.

* Department of State MS. archives.

† Correspondence and Public Papers of John Jay, 111, 381.

Your desire that I should come on as quickly as possible is a sufficient reason for me to postpone every matter of business, however pressing, which admits postponement. Still it will be the close of the ensuing week before I can get away, & then I shall have to go by the way of Richmond, which will lengthen my road. I shall not fail however to go on with all the dispatch possible nor to satisfy you, I hope, when I shall have the honor of seeing you at New York, that the circumstances which prevent my immediate departure, are not under my controul. I have now that of being with sentiments of the most perfect respect & attachment, Sir

Your most obedient & most humble servant

TH. JEFFERSON.

The President of the U. S.*

Shortly afterwards he assumed office, the records were turned over to him, and the Department of State was fairly started in its career. The compensation of the Secretary was fixed by the Act of September 11, 1789, at \$3,500 per annum, that of the Chief Clerk at \$800, and of the other clerks at not more than \$500.

* Department of State MS. archives.

The number of the latter was left to the Secretary's discretion, being limited, of course, by the amount of money set apart for the Department.

III.

THE NEW DEPARTMENT—DUTIES THAT ARE NO LONGER UNDER ITS SUPERVISION.

WHEN Jefferson entered upon his new duties, he found in the Department two officials whose services under the Government had extended over a number of years. They were Roger Alden and Henry Remsen, jr. The former had been Deputy Secretary, under Thomson, to the old Congress, and, when the Department of State was created, received from Tobias Lear, Washington's Secretary, orders to retain in his possession the records and public acts, to be delivered to the Secretary of State whenever the latter should enter upon the duties of his office.* He served as Chief Clerk of the Department for a few months after Jefferson became Secretary, and in a letter dated

* Department of State MS. archives.

July 25, 1790, tendered his resignation, in order, as he said, to enter into a more lucrative engagement.* Henry Remsen, jr., had been connected with the conduct of the foreign affairs of the Government from March, 1784, when, just before Jay's election as Secretary for Foreign Affairs, he was elected Under Secretary.† When Alden retired, Remsen succeeded to the rank of Chief Clerk, and held the position until 1792, when he was appointed First Teller to the new United States Bank, and George Taylor, jr., who had been a clerk in the Department for seven years, took his place.‡

From the very beginning the Department of State, more than any other Executive Department, was closely connected with the President, and was, in a measure, the President's office. Washington not only referred to it all official letters bearing upon its business, but made it

* Department of State MS. archives. There is evidence that he was subsequently an applicant for office, being recommended by his old chief, Charles Thomson.

† *Ante*, p. 35.

‡ Department of State MS. archives.

the repository of the drafts of his public letters, and, to a more limited extent, of his private correspondence. It must be borne in mind that at that time the business of the Government was sufficiently light to render it possible for the President to attend personally to matters such as are now rarely, if ever, brought to his attention. The Secretaries of the Executive Departments were then more literally secretaries than they are now, and the President was literally the fountain from whence all Executive action sprang. It was Jefferson's custom to consult his chief frequently. Notes, of which the following is an example, were going constantly from the Secretary to the President:

Mr. Jefferson has the honour of enclosing for the perusal of the President, rough draughts of the letters he supposes it proper to send to the court of France on the present occasion. He will have that of waiting on him in person immediately to make any changes in them the President will be so good as to direct, and to communicate to him two letters just received from Mr Short.

April 5. 1790. a quarter before one.*

* Department of State MS. archives.

The Department had sole control, under the President, of all diplomatic and consular correspondence, and the foreign ministers to this country were required to communicate directly with the Secretary of State. This rule had been laid down before Jefferson's appointment, when Washington declined direct correspondence with Moustier, the French Minister; and Moustier's successor, the notorious Genet, received a forcible reminder of it in 1793.

The representatives of the United States abroad continued to serve under the Constitution without, in all cases, receiving new appointments. Dumas, for instance, who had been employed by Franklin when the latter was at the head of the Committee of Secret Correspondence,* and whose services continued thereafter, received no new commission, but continued to perform his duties and to receive compensation. Jefferson wrote to Washington, February 4, 1792:

* *Ante*, p. 4.

The laws and appointments of the antient Congress were as valid and permanent in their nature, as the laws of the new Congress, or appointments of the new Executive; these laws & appointments in both cases deriving equally their source from the will of the Nation: and when a question arises, whether any particular law or appointment is still in force, we are to examine, not whether it was pronounced by the antient or present organ, but whether it has been at any time revoked by the authority of the Nation expressed by the organ competent at the time. The Nation by the act of their federal convention, established some new principles & some new organizations of the government. This was a valid declaration of their will, and *ipso facto* revoked some laws before passed, and discontinued some offices and officers, before appointed. Whenever by this instrument, an old office was superseded by a new one, a new appointment became necessary; but where the new Constitution did not demolish an office, either expressly or virtually, nor the President remove the officer, both the office and the officer remained. This was the case of several; in many of them indeed an excess of caution dictated the superaddition of a new appointment; but where there was no such superaddition, as in the instance of Mr. Dumas, both the office and officer still remained: for the will of the nation, validly pronounced by the proper organ of the day, had constituted him their agent, and that will has not

through any of its successive organs revoked his appointment.*

The compensation of our Ministers abroad was regulated under the Act of July 1, 1790, which authorized the President—

To draw from the treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the moneys arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed. *Provided*, That, exclusive of outfit, which shall, in no case, exceed the amount of one year's full salary to the minister plenipotentiary or charge des affaires, to whom the same may be allowed, the president shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services, and other expenses; nor

* Department of State MS. archives.

It may be remarked, as bearing upon this subject, that the custom of returning the commission to the Department under which the officer served, upon his resignation, was not uncommon at this period. Washington returned his commission as Commander in Chief of the Army into the hands of the President of Congress when he resigned in 1783, and the Department archives show similar cases after that; but Andrew Jackson, when John Branch resigned as Secretary of the Navy in 1831, sent back to him the commission he had returned, saying: "It is your own private property, and by no means to be considered part of the archives of the government. Accordingly I return it." The custom has since been entirely abandoned.

a greater sum for the same, than four thousand five hundred dollars per annum to a charge des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary. *And provided, also,* That the president shall account, specifically, for all such expenditures of the said money as, in his judgment, may be made public, and also for the amount of such expenditures as he may think it adviseable not to specify, and cause a regular statement and account thereof to be laid before congress annually, and also lodged in the proper office of the treasury department.

SECT. 2 *And be it further enacted,* That this act shall continue and be in force for the space of two years thereafter and no longer.

This Act was continued in force in subsequent years, with additional appropriations for specific purposes of foreign intercourse, and the Act of May 1, 1810, included Consuls to Algiers and other states on the coast of Barbary, the salary being limited to \$4,000 for the Consul at Algiers and \$2,000 for those at other states on the Barbary coast; but they were to have no payments whatever for outfits. By this Act, also, the President was authorized to make foreign ap-

pointments during the recess of the Senate, to "be submitted to the Senate at the next session thereafter, for their advice and consent."

Other Consuls were not, at this time, in receipt of regular salaries, their payment coming from the fees of office which they were allowed to collect.

In 1792 (November 5) Jefferson made a report on the subject of expenditures as follows :*

Estimate of the fund of 40,000 Dol. for foreign intercourse, and its application			
		D	D
1790 July 1. to 1791 July 1. a year's appropriation...	40,000		
1791 July 1, to 1792 July 1 do	...40,000		
1792 July 1, to 1793 Mar. 3 being $8\frac{1}{10}$ months.....	27,000		
			107,000
1790. July 1. to 1791. July 1, actual expenses incurred..	21,054		
1791. July 1. to 1792 July 1. do	..43,431.09		
1792. July 1. to 1793. Mar. 3. the probable expenses may be abt.....	26,300		
Surplus unexpended will be about.....	16,214.91		
			107,000

He estimated the ordinary expenses of the different grades of diplomatic missions as follows (dated November 5, 1792):*

* Department of State MS. archives.

Estimate of the ordinary expence of the different diplomatic grades, annually.

A Minister Plenipotentiary		A Resident		Agent	
D		D		D	
Outfit $\frac{1}{4}$ of 9,000....	1285.71	Outfit $\frac{1}{4}$ of 4500....	642.85	Salary.....	1300
Salary.....	9000.	Salary.....	4500.	Extras.....	350
Secretary.....	1350.	Extras.....	350.		1650
Extras.....	350	Return $\frac{1}{4}$ of 1125...	160.71	Medals to foreign ministers,	
Return $\frac{1}{4}$ of 2250...	321.42			suppose 5. to be kept here & to be	
				changed once in 7. years will be	
				about 654.6 annually	
	12307.13		5653.56		
		A reduction of the establishment, to bring it within the limits of 40,000.			
To support the present establishment would require		D		D	
for Paris, Minister Plenipot'y.....		12,307.13		for Paris, a Minister Plenipot'y.....	
London do		12,307.13		London do	
Madrid Resident.....		5,653.56		Madrid, a Resident.....	
Lisbon do		5,653.56		Lisbon, do	
Hague do		5,653.56		Hague, an agent.....	
Medals to foreign ministers.....		654.6		Medals to for. ministers.....	
		42,229.54		Surplus.....	
				40,000.	

This question is further elucidated by the following (dated April 18, 1793):

The Secretary of State thinking it his duty to communicate to the President his proceedings of the present year for transferring to Europe the annual fund of 40,000 Dollars appropriated to the department of State (a report whereof was unnecessary the two former years, as monies already in the hands of our bankers in Europe were put under his orders)

Reports

That in consequence of the President's order of Mar. 23, he received from the Secretary of the Treasury Mar. 31. a warrant on the Treasury for 39,500 Dollars: that it being necessary to purchase private bills of exchange to transfer the money to Europe, he consulted with persons acquainted with that business, who advised him not to let it be known that he was to purchase bills at all, as it would raise the exchange, and to defer the purchase a few days till the British packet should be gone, on which went bills generally sunk some few percent. He therefore deferred the purchase, or giving any orders for it till Apr. 10, when he engaged Mr. Vaughan (whose line of business enabled him to do it without suspicion) to make the purchase for him: he then delivered the warrant to the Treasurer, & received a credit at the Bank of the U S. for 39,500 D. whereon he

had an account opened between "The Department of State & the Bank of the U S." That Mr. Vaughan procured for him the next day the following bills.

	£ Sterl	Doll
Willing, Morris & Swanwick on John & Francis		
Baring & Co. London.....	3000	for 13,000
Walter Stewart on Joseph Birch—mercht Liv- erpool.....	400-0	= 1,733.33
Robert Gilmer & Co. on James Strachan & James Mackenzie, London, indorsed by Mordecai Lewis.....	£ 200 150 250	} 600-0 = 2,600
	<hr/>	
	4000-0	= 17,333.33

averaging $4^s - 7\frac{38}{100}^d$ the dollar, or about $2\frac{1}{2}$ per cent above par, which added to the 1. per cent loss heretofore always sustained on the government bills (which allowed but 99 florins, instead of 100 do. for every 40. dollars) will render the fund somewhat larger this year than heretofore: that these bills being drawn on London (for none could be got on Amsterdam but to considerable loss, added to the risk of the present possible situation of that place) he had them made payable to Mr. Pinckney, and inclosed them to him by Capt. Cutting, in the letter of Apr. 12 now communicated to the President, and at the same time wrote the letter of the same date to our bankers at Amsterdam & to

Col^o Humphreys, now also communicated to the President, which will place under his view the footing on which this business is put, and which is still subject to any change he may think proper to direct, as neither the letters nor bills are yet gone.

The Secretary of state proposes hereafter to remit in the course of each quarter, 10,000 D. for the ensuing quarter, as that will enable him to take advantage of the times when exchange is low. He proposes to direct at this time a further purchase of 12,166.66 D. (which with the 500 D. formerly obtained & 17,333.33 now remitted, will make 30,000 D of this year's fund) at long sight, which circumstance with the present low rate of exchange will enable him to remit it to advantage.

He has only further to add that he delivered to Mr. Vaughan orders on the bank of the U S. in favor of the persons themselves from whom the bills were purchased for their respective sums.*

The Department was the medium through which correspondence with the National Government and the several State governments was conducted. How the communications from the States to Congress were to be transmitted was

* Department of State MS. archives.

the subject of the following letter from Jefferson to Washington (April 1, 1790):*

Th. Jefferson has the honor to inform the President that Mr Madison has just delivered to him the result of his reflections on the question *How shall communications from the several states to Congress through the channel of the President be made?*

He thinks that in no case would it be proper to go by way of *letter from the Secretary of state*: that they should be delivered to the houses either by the Secretary of state in person or by Mr Leir, he supposes a useful division of the office might be made between these two, by employing the one where a matter of fact alone is to be communicated, or a paper delivered in the ordinary course of things and where nothing is required by the President; and using the agency of the other where the President chuses to recommend any measure to the legislature and to attract their attention to it.

The President will be pleased to order in this what he thinks best. T. Jefferson supposes that whatever may be done for the present, the final arrangement of business should be considered as open to alteration hereafter. The government is as yet so young, that cases enough have not occurred to enable a division of them into classes, and the

* Department of State MS. archives.

distribution of these classes to the persons whose agency would be the properest.

He sends some letters for the President's perusal, praying him to alter freely anything in them which he thinks may need it.

Touching the question of correspondence with the several Governors, he wrote November 6, 1791:

I have the honour to inclose you a draught of a letter to Governor Pinckney, and to observe that I suppose it to be proper that there should, on fit occasions, be a direct correspondence between the President of the U. S. and the governors of the states; and that it will probably be grateful to them to receive from the President answers to the letters they address to him. The correspondence with them on ordinary business may still be kept up by the Secretary of State in his own name.*

Having reached this point in our inquiry into the Department's business, it will be found convenient to consider the functions which fell to its charge under the law separately. Those which have, in the course of time, passed out of

* Department of State MS. archives.

its jurisdiction are several. First in the order of importance is the patent business. This was regulated by the Act of April 10, 1790, as follows :

Be it enacted, etc., That upon the petition of any person or persons, to the secretary of state, the secretary for the department of war, and the attorney general of the United States, setting forth, that he, she, or they hath, or have, invented or discovered, any useful art, manufacture, engine, machine, or device, or any improvement therein, not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said secretary of state, the secretary for the department of war, and the attorney general, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, reciting the allegations and suggestions of the said petition, and describing the said invention or discovery, clearly, truly, and fully, and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators or assigns, for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery ;

which letters patent shall be delivered to the attorney general of the United States, to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the president, who shall cause the seal of the United States to be thereto affixed, and the same shall be good and available to the grantee or grantees, by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose in the office of the secretary of state, and delivered to the patentee or his agent; and the delivery thereof shall be entered on the record, and endorsed on the patent by the said secretary, at the time of granting the same.

SECT. 2. *And be it further enacted,* That the grantee or grantees of each patent shall, at the time of granting the same, deliver to the secretary of state a specification in writing, containing a description, accompanied with drafts or models, and explanations and models (if the nature of the invention or discovery will admit of a model) of the thing or things, by him or them invented, or discovered, and described as aforesaid, in the said patents; which specifications shall be so particular, and said models so exact, as not only to distinguish the invention or discovery from other things before known and used, but also to enable a workman or other person skilled in the art or manufacture,

whereof it is a branch, or wherewith it may be nearest connected, to make, construct, or use, the same, to the end that the public may have the full benefit thereof, after the expiration of the patent term ; which specification shall be filed in the office of the said secretary, and certified copies thereof shall be competent evidence in all courts, and before all jurisdictions, where any matter, or thing, touching or concerning such patent right or privilege, shall come in question.

SECT. 3. *And be it further enacted,* That upon the application of any person to the secretary of state, for a copy of any such specification, and for permission to have similar model or models made, it shall be the duty of the secretary to give such copy, and to permit the person so applying for a similar model or models, to take, or make, or cause the same to be taken or made, at the expense of such application.

SECT. 4. *And be it further enacted,* That if any person or persons shall devise, make, construct, use, employ, or vend, within these United States, any art, manufacture, engine, machine, or device, or any invention or improvement upon, or in, any art, manufacture, engine, machine, or device, the sale and exclusive right of which shall be so as aforesaid granted by patent, to any person or persons, by virtue and in pursuance of this act, without the consent of the patentee or patentees, their executors, administrators,

or assigns, first had and obtained in writing, every person so offending, shall forfeit and pay to the said patentee or patentees, his, her, or their executors, administrators, or assigns, such damages as shall be assessed by a jury, and moreover shall forfeit to the person aggrieved, the thing or things so devised, made, constructed, used, employed, or vended, contrary to the true intent of this act, which may be recovered in an action on the case, founded on this act.

[Sections 5 and 6 relate to suits in patent cases before the courts.]

SECT. 7. *And be it further enacted,* That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employed in making out and perfecting the same, to wit: For receiving and filing the petition, fifty cents; for filing specifications, per copysheet, containing one hundred words, ten cents; for making out patent, two dollars; for affixing the great seal, one dollar; for endorsing the day of delivering of the same to the patentee, including all intermediate services, twenty cents.

Under date of March 31, 1791, Remsen made a report on the state of the patent business, showing that a considerable number of applications were then pending, waiting the proper

specifications, drawings, and models before action could be taken on them by the Board, which consisted of the Secretaries of State and of War and the Attorney-General.* The fees for making out patents amounted to \$3.70, and 10 cents for every hundred words of the specification, and were a perquisite of the Chief Clerk and his assistant.

The patent granted to Samuel Hopkins, which was the first one issued, was dated July 31, 1790, and signed by the President, Jefferson, and Edmund Randolph, the Attorney-General. Three patents were issued that year.

The applications were immediately under Remsen's charge, and were acted upon finally by the Board.

In 1793 another act relative to patents was passed, by which the Board was abolished and the Secretary of State alone left as the head of the Patent Office. Remsen continued in charge of it until 1802, when Dr. William Thornton

* Department of State MS. archives.

was appointed a clerk at \$1,400 per annum and given control of this branch of the Department's affairs. In 1821 he assumed the title of "Superintendent" of Patents; but it was not until the appropriation act of 1830, after his death, that the designation received legal acceptance. He died in 1828, and was succeeded by Thomas P. Jones, who, in turn, gave place to Dr. John D. Craig in 1830. Craig was the first to make an orderly arrangement, by subjects, of the drawings and models in his charge; but his methods of business were so irregular as to necessitate an official investigation in 1833, under Secretary Martin Van Buren. Craig was censured, and a number of new rules for conducting the patent business were laid down.

In 1810 the Patent Office was given quarters, by Act of April 28, in a building apart from the Department of State, although it still remained under that Department. The salaries of the officers and clerks were paid out of the fees collected, which, under the law, were paid into

the Treasury and drawn upon, and this practice maintained as late as 1868. In 1849, when the Department of the Interior was established, the Patent Office became a part of it. It had, for all practical purposes, been independent of the Department of State for some years.*

In addition to the patents, the Department of State became, under the Act of May 31, 1790, the repository for maps, charts, and books for which copyright might be granted by the United States District Courts. Although there are applications for copyright among the old Department archives, it does not appear that the power of granting them ever belonged to the Secretary of State. His office was merely to be the place of final lodgment of the records, and February 3, 1831, a law was passed requiring the Clerks of the District Courts to transmit to him once a year certified lists of all records of copyrights granted, as well as copies

* On the subject of the history of the Patent Office see *Official Gazette of U. S. Patent Office*, Vol. 22, No. 15, and *The Patent System of the United States; a History*; by Levin H. Campbell, Washington, 1891.

of the works themselves. All of the records, books, maps, charts, etc., were, by Act of February 5, 1859, turned over to the Department of the Interior, and later to the Library of Congress, under whose supervision the business now is.

Another of the earlier functions of the Department of State was the superintendence of the census enumeration, the first one being required, by Act of March 3, 1790, to be made by the several United States Marshals. The returns were filed with the Clerks of the Federal District Courts, and by them transmitted to the President, by whom, in turn, they were sent to Congress. They were then printed by order of Congress, under the supervision of the Secretary of State; and the Act of February 28, 1800, authorizing the second census, ordered the Clerks of the District Courts to send the returns direct to the Secretary of State, who was authorized to furnish the Marshals with necessary instructions. He was also authorized

in 1810 to print the returns. His duties were thus supervisory and appellate. This system continued in vogue until 1849, when the business was turned over to the Department of the Interior, under the provisions of the act creating that Department.

In the absence of any home department, the affairs of the Territories fell in the beginning under the supervision of the Secretary of State. When the Constitution was formed the Territory Northwest of the Ohio was the only one. Its government, which had been organized under the Articles of Confederation, was continued under the Constitution by the Act of August 7, 1789. The communications from the Territorial Governor intended for Congress were transmitted through the President, and the correspondence between the President and Governor was conducted through the Department of State. The Secretary of State was directed, by Act of May 8, 1792, to have the laws of the Territory printed, and to provide seals for the

Territorial officers. As the Territory came, in course of time, to be divided into several separate governments, the labors of the Department of State necessarily increased. When the Department of the Interior was created in 1849, the business was transferred to its jurisdiction.

Questions concerning the public lands, although intimately related to Territorial affairs, were, in the days immediately following the organization of the Government, under the supervision of the Treasury Department; but an exception must be noted in the famous "Yazoo claims case." Under Act of March 3, 1803, claims for the Yazoo lands were filed with the Secretary of State and recorded in books in his Department, the claimants paying at the rate of 12½ cents per hundred words for the recording. By Act of March 31, 1814, the Secretaries of State and of the Treasury and the Attorney-General were constituted a Board of Commissioners to adjudge these claims, the releases, assignments, and powers to be depos-

ited in the office of the Secretary of State. All the papers are now a part of the Department of State archives.

There have at various times been assigned to the Department of State duties of a lesser degree of importance which have either terminated absolutely or been transferred to other Departments. Among these, it will be sufficient to mention the biennial register, or "Blue Book," the issuance of which came under the Department's charge by a resolution of Congress of April 27, 1816, which required that there should be issued once in two years a correct list of all persons in the civil, military, and naval service of the Government of the United States. The resolution also specified to whom the volume was to be sent. The Department continued the regular publication of this volume until, by Act of February 20, 1861, it was placed under the charge of the Department of the Interior.

Having disposed of the duties which are no longer under the Department of State, those

which now constitute its functions may be taken up, and, first, it will be convenient to show the subdivisions which have charge of them.

IV.

SUBDIVISIONS OF THE DEPARTMENT OF STATE.

IN treating of the subject of compensation of the officers and clerks of the Department of State and of the subdivision of the executive force, it will be sufficient, for the purpose of illustrating the development of the present system, to take up the subject at different periods rather than year by year.

The compensation was fixed in the beginning, by Act of September 11, 1789, as has been previously shown,* at \$3,500 per annum for the Secretary of State, \$800 for the Chief Clerk, and for the clerks not more than \$500 each. The number of clerks was left to the Secretary, being limited only by the amount set apart for

* *Ante*, p. 61.

the Department. A few years later the rates of compensation for the clerks were left with the Secretary. The Act of April 21, 1806, required that the names and salaries of the clerks be reported to Congress annually, and April 20, 1818, Congress increased the salaries. The Act of February 20, 1819, raised the Secretary's salary to \$6,000 per annum.

In 1829 the annual report of Henry Clay, Secretary of State, showed the organization of the Department to be a Chief Clerk at \$2,000, three clerks at \$1,600, five at \$1,400, three at \$1,000, two at \$800; in the Patent Office, a superintendent at \$1,500, one clerk at \$1,000, and one at \$800. One of the clerks at \$1,000 in the Department proper received, in addition to his regular salary, \$250 a year as a translator, the payment being made out of the contingent fund. The sum of \$1,216, also, was paid for extra clerical assistance. The year following this report Congress fixed the compensation of the officers and clerks at substan-

tially the same rates as were reported by Mr. Clay.

The appropriation for the payment of the clerical force increased gradually year by year, and in 1840 was \$20,300. In 1852 it reached \$33,700, which included, however, the salaries of the Secretary and the messengers. There were during this period additional appropriations almost annually of \$2,000 for extra clerical assistance. In 1854 the appropriation rose to \$38,700, and the next year to \$52,092. In 1857 it was \$56,400. It has continued to increase, and for the past ten years has averaged more than \$100,000 per annum.

A classification of the clerks in all the Executive Departments, except the Department of State, was made by Act of March 3, 1853, and two years later the law was extended so as to include the Department of State. The permanent force was prescribed to be: Three clerks of class I, two of class II, eight of class III, eight of class IV, one Chief Clerk, and one

clerk of class IV to act as disbursing officer and give bonds. The last named was to act as superintendent of the building and receive an additional salary, bringing his compensation up to \$2,000 per annum. This Act required the examination of clerks by a board before their appointment. It also provided for an Assistant Secretary of State at \$3,000 per annum, and raised the Secretary's salary to \$8,000, the present rate.

A Second Assistant Secretary was allowed by Act of July 25, 1866, at \$3,500, the Assistant Secretary's salary being also increased; and the Act of June 30, 1875, added the office of Third Assistant Secretary, at the same compensation. The Assistant Secretary's salary was increased subsequently to \$4,500.

The office of Examiner of Claims was created by Act of August 12, 1848, which prescribed that a clerk at \$2,000 per annum be assigned to the duty of examining claims in the Department of State of our citizens against foreign

governments and of foreign citizens against this Government. The office became a regular one at \$3,500 per annum by Act of July 25, 1866. When the Department of Justice was organized by the law of June 22, 1870, this officer was transferred to its jurisdiction, his duties, however, remaining a part of the functions of the Department of State; and in 1891 the title was changed to "Solicitor of the Department of State." The salary of the Chief Clerk was increased from \$800 to \$2,000, and by Act of March 3, 1855, placed at \$2,200. It was raised afterwards to \$2,400, then to \$2,500, and, finally, to the present rate of \$2,750.

In the progress of the business of the Department, as the clerks have demonstrated especial fitness for particular branches of its business, they have been assigned to them, and this was the origin of the present system of divisions or bureaus.

Taking up the bureaus separately, the first that received legal sanction were the Diplomatic

and Consular Bureaus. These had been formed early, the duties resting with a division of the clerks, supervised by other clerks who acted as chiefs. There were two Chiefs of the Consular Bureau and two of the Diplomatic Bureau; but they were simply clerks of class IV, until the Act of May 22, 1872, recognized them as chiefs of bureau and increased their compensation to \$2,400 per annum. The Act of June 30, 1874, concentrated these offices in one Chief for the Diplomatic Bureau and one for the Consular Bureau at \$2,400 per annum each.

This Act also provided for the Bureau of Rolls and Library, with a Chief at the same salary. Previous to this action a clerk of class IV had acted as librarian, and had also been in charge of the rolls and historical papers.

In 1870 there was instituted the Bureau of Indexes and Archives, and it was given control of the indexing of all incoming and outgoing mail, which had before been indexed by the several other divisions of the Department. The

Act of March 3, 1873, authorized the appointment of a Chief of this Bureau at \$2,400 per annum.

What is now the Bureau of Statistics had its origin in the "Statistical Office." In 1842 Daniel Webster, as Secretary of State, recommended to Congress that the work of arranging and condensing the information received from our Consuls abroad on commercial subjects be intrusted to one person, and that he should have charge of the correspondence on these subjects. No action was taken on this recommendation until 1856, when the Committees on Commerce in both Houses of Congress took it up and the "Statistical Office of the Department of State" was authorized, the first Superintendent being appointed August 18, 1856. In anticipation of the action of Congress, the office had been organized by the Department two years previously. The salary of the "Superintendent" was fixed at \$2,000, and so continued, until the Act of June 30, 1874, authorized the Bureau

of Statistics, the Chief to receive \$2,400 per annum.

The financial business of the Department had been in the beginning intrusted to one of the clerks, and the Act of 1855 authorized a disbursing clerk, who should give bonds. By Act of March 3, 1873, the Bureau of Accounts was instituted, with the disbursing clerk as Chief, with the same salary as was allowed the other chiefs of bureau.

In 1875 the Translator of the Department, who had before that been simply one of the clerks, was placed upon the same footing as the chiefs, with the same salary.

The Appropriation Act of August 15, 1876, reduced all these salaries to \$2,100, which rate maintains at the present time.

Beside the regular bureaus described above, the Department business has necessitated the institution of two others, the heads of which are selected from the clerical force. These are the Bureau of Commissions and Pardons and that

of Passports. Of the former it is sufficient to say that it was the natural outgrowth of the assignment to a certain clerk of the papers relating to appointments to office and of the duty of making out the commissions and pardons. The Passport Bureau will be described later on.*

As now constituted, the Executive force of the Department comprises the Secretary of State, three Assistant Secretaries, a Chief Clerk, a Solicitor (from the Department of Justice), Chief of the Bureau of Indexes and Archives, Chief of the Diplomatic Bureau, Chief of the Consular Bureau, Chief of the Bureau of Rolls and Library, Chief of the Bureau of Statistics, Chief of the Bureau of Accounts, the Translator, Clerk to the Secretary of State, eleven clerks of class IV, four clerks of class III, eight clerks of class II, fifteen clerks of class I, a telegraph operator at \$1,200 per annum, five clerks at \$1,000 per annum, ten at \$900 per annum, a

* See p. 176.

lithographer at \$900 per annum, one messenger at \$840 per annum, two assistant messengers at \$720 per annum, one packer at \$720 per annum, and ten laborers at \$660 per annum.

V.

DUTIES OF THE DEPARTMENT OF STATE.

THE law that created the Department of State prescribed that the Secretary should keep the seal of the United States, and he thus became the custodian of the most important official evidence of the Federal Executive authority.

The law reads, that the Secretary of State "shall affix the said seal to all civil commissions to officers of the United States, to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President there-

for." The seal thus "attests, by an act supposed to be of public notoriety, the verity of the presidential signature."*

The commissions were not countersigned by the Secretary of State until a few months after Jefferson had been in office, but simply bore the President's signature and the impression of the seal. The device of the seal, as adopted by the first Congress under the Constitution, was the same as that adopted by the old Congress in 1782. The law read:

The device for an armorial achievement and reverse of the great seal for the United States in Congress assembled, is as follows:

ARMS. Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, "E pluribus Unum."

For the CREST. Over the head of the Eagle, which appears above the escutcheon, a glory, or, breaking through

* 1 U. S. Reports, 374.

a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE. A pyramid unfinished.

In the zenith, an eye in a triangle, surrounded with a glory proper. Over the eye these words, "*Annuit cœptis.*" On the base of the pyramid the numerical letters MDCCCLXXVI. And underneath the following motto, "*Novus Ordo Seclorum.*"

REMARKS AND EXPLANATION

The Escutcheon is composed of the chief and pale, the two most honourable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a Chief, which unites the whole and represents Congress. The Motto alludes to this union. The pales in the arms are kept closely united by the chief and the chief depends on that Union and the strength resulting from it for its support, to denote the Confederacy of the United States of America and the preservation of their Union through Congress. The colours of the pales are those used in the flag of the United States of America ; White signifies purity and innocence, Red, hardiness and valour, and Blue, the colour of the Chief signifies vigilance perseverance & justice. The Olive branch and arrows denote the power of peace and war which is exclusively vested in Congress. The Constellation denotes a

new State taking its place and rank among other sovereign powers. The Escutcheon is born on the breast of an American Eagle without any other supporters, to denote that the United States ought to rely on their own Virtue.

Reverse. The pyramid signifies Strength and Duration: The Eye over it and the motto allude to the many signal interpositions of providence in favour of the American cause. The date underneath is that of the Declaration of Independence and the words under it signify the beginning of the new American Æra, which commences from that date.

Passed June 20, 1782.

The reverse of the seal was not cut then, nor has it ever been cut since. As it can not conveniently be used, it has been allowed to go unnoticed officially to the present day.

The seal of the Department, which the law of September 15, 1789, authorized, followed closely the design of the seal of the United States. The device has never been changed.

As the duties of the Government have expanded, the impracticability of having the seal of the United States attached by the Department

of State to the commissions of officers who are under some other Department has been recognized by Congress. By the Act of March 18, 1874, the commissions of postmasters were directed to be made out under the seal of the Post-Office Department; the Act of March 3, 1875, placed the commissions of officers of the Interior Department under that Department; and by Act of August 8, 1888, all judicial officers, Marshals, and United States Attorneys were ordered to be appointed under the seal of the Department of Justice. At the present time the seal of the United States is affixed to the commissions of all Cabinet officers and diplomatic and consular officers who are nominated by the President and confirmed by the Senate; all ceremonious communications from the President to the heads of foreign governments; all treaties, conventions, and formal agreements of the President with foreign powers; all pardons or commutations of sentence by the President to offenders who have been

convicted before the courts of the United States; all proclamations by the President; all exequaturs to foreign consular officers in the United States who are appointed by the heads of the governments which they represent; to warrants by the President to receive persons surrendered by foreign governments under extradition treaties; and to all miscellaneous commissions of civil officers appointed by the President, by and with the advice and consent of the Senate, whose appointments are not now especially directed by law to be signed under a different seal.*

The recording of commissions, which the law required should be done by the Secretary of State after the affixing of the seal, has continued upon practically the same plan since 1789. The commission is written in the Department of State and sent to the President. Upon being returned with his signature, it is countersigned

*The Seal of the United States; How it was Developed and Adopted. Department of State, 1892.

by the Secretary of State and the seal affixed. It is then recorded and delivered to the person for whom it is intended. During the early days of the Department Vice and Deputy Consuls were given commissions signed by the President and bearing the seal of the United States; but this practice was soon abandoned, such appointments being made upon the certificate of the Secretary of State with the Department seal attached, and this system prevails at present. All appointments, however, of every grade have always been recorded, and the record books indexed.

Although the President's warrants for pardoning criminals are still issued by the Secretary of State and bear the seal of the United States, the petitions and all other papers relating to the granting of the pardon are sent to the Attorney-General for his consideration. Up to 1850 they were, however, sent to the Secretary of State and passed upon by him, as well as by the Attorney-General, before they were sent to

the President for his final decision. Since that year the Secretary of State has issued the pardons upon request of the Attorney-General, his duties being purely of an administrative character.*

The Secretary of State also causes the seal to be affixed to Presidential warrants of extradition, and this brings us to one of the most important of the Department's legal functions.

Extradition, "the act by which one nation delivers up an individual accused or convicted of an offense outside of its own territory to another nation which demands him,"† is one of the functions committed to the Secretary of State, as the official charged with the duty of conducting foreign intercourse. In the earlier days of the Republic, this function was not infrequently discharged by the Governors of the individual

*At the time of writing this a movement has been made to relieve the Department of State of this unnecessary labor.

† Moore on Extradition; Boston, 1891. The author is indebted to Mr. Moore for the account of the early practice in this matter.

States, in some cases with the approval of the Federal Secretary of State, and in others without consulting him. Some of our States have even gone so far as to enact statutes, conferring on their Chief Executives the power to deliver up fugitives from justice to foreign nations. But, with the development and clearer comprehension of the powers of the National Government, the States have ceased to deal with the subject, and it is now generally admitted to belong exclusively to the Government of the United States. In one case, however, the United States has by treaty agreed that applications for extradition may be made and granted by State and Territorial governments. This is the agreement in the Treaty with Mexico, which provides that, for offenses committed in the frontier States and Territories of the contracting parties, applications for surrender may be made by and to the local authorities. But this provision does not preclude the exercise of supreme control in the matter by the National Government of either

country in any case arising under this special and exceptional stipulation.

It has been the almost uniform opinion of our constitutional lawyers that extradition can lawfully be granted by the United States only in pursuance of a statute or a treaty; and, as the only Federal legislation on the subject is that which has been adopted to execute our treaties, the Government declines to extradite fugitives from justice in the absence of a conventional obligation.*

Under similar circumstances it refrains from demanding the surrender of fugitives by other governments. In rare cases, in the absence of a treaty, an appeal has been made to the good will of a foreign government to deliver up a notorious offender. But, as foreign governments are likely to demand a promise of reci-

* The only departure from this rule was in 1864, in the case of Arguelles, an officer in the Spanish army, who was delivered up to Spain on a charge of slave-dealing in Cuba. But the time and circumstances of this transaction, and the fact that Arguelles was seized and taken out of the country before there was opportunity to test the legality of his detention in the courts, have prevented the case from being considered as a precedent.

procuity in such cases, and as the United States is unable to make such a promise, the appeal must always be attended with much embarrassment, and for that reason has seldom been made.

The first treaty of this country providing for mutual surrender of criminals was that of 1794 with Great Britain. Murder and forgery were the only crimes included in it, and it expired in twelve years. But, since the conclusion of a new treaty with Great Britain in 1842, treaties have been entered into with many powers, and the practice of extradition has become general.

The forms of extradition warrants now in use are three: the mandate, called often—although incorrectly—the “warrant of arrest;” the warrant of surrender; and the President’s warrant, authorizing agents to go abroad and bring back surrendered criminals.

The first mandate was issued in 1853, upon application of the British Minister, and was signed by President Franklin Pierce. Prior to

that time the persons authorized to apply for the extradition of a criminal went, in the first instance, to the courts. But, owing to doubts suggested by one of our judges as to the regularity of this procedure, a practice grew up of applying to the Secretary of State for a mandate to authorize the institution of judicial proceedings. Although this course was afterwards prescribed by some of our treaties, it is not prescribed in others, and has been held by the Supreme Court to be unnecessary in the latter instance. It is now no longer issued by the Department of State, unless required by treaty. Up to 1860 the mandate was signed by the President, but since then it has been signed by the Secretary of State. The form now used is as follows:

DEPARTMENT OF STATE.

To any Justice of the Supreme Court of the United States ;
any Judge of the Circuit or District Courts of the United
States in any District ; any Judge of a Court of Record of
General Jurisdiction in any State or Territory of the United

States, or to any Commissioner specially appointed to execute the provisions of Title LXVI of the Revised Statutes of the United States, for giving effect to certain treaty stipulations between this and foreign Governments, for the apprehension and delivering up of certain offenders.

Whereas, pursuant to existing treaty stipulations between the United States of America [name of the foreign power to which the criminal is to be surrendered] for the mutual delivery of criminals, fugitives from justice in certain cases, [name of the foreign representative making the demand] has made application in due form, to the proper authorities thereof, for the arrest of [name or names of the offender or offenders], charged with the crime of [nature of the crime], and alleged to be [statement of the country from whence the flight was made] and who [“is” or “are”] believed to be within the jurisdiction of the United States.

And whereas, it appears proper that the said [name or names of the offender or offenders] should be apprehended, and the case examined in the mode provided by the laws of the United States aforesaid.

Now, therefore, to the end that the above-named officers, or any of them, may cause the necessary proceedings to be had, in pursuance of said laws, in order that the evidence of the criminality of the said [name or names of the offender or offenders] may be heard and considered, and, if deemed sufficient to sustain the charge, that the same may be certi-

fied, together with a copy of all the proceedings, to the Secretary of State, that a warrant may issue for [“his” or “their”] surrender, pursuant to said treaty stipulations. I certify the facts above recited.

In testimony whereof, I have hereunto signed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this —— day
[SEAL.] of ——, A. D. 18—, and of the Independence of the United States the ——.

———,

Secretary of State.

The warrant of surrender has suffered only such alterations as have been made necessary by changes in the law. Like the mandate, it was signed by the President until 1860, since which time it has been signed by the Secretary of State, by whom the law provides that it shall be issued. The form is as follows:

DEPARTMENT OF STATE.

To all to whom these Presents shall come, Greeting :

Whereas, [name of foreign representative making the demand], accredited to this Government, has made requi-

sition in conformity with the provisions of existing treaty stipulations between the United States of America and [name of foreign power] for the mutual delivery of criminals, fugitives from justice in certain cases, for the delivery up of [name or names of offender or offenders], charged with the crime of [nature of crime], committed within the jurisdiction of [name of foreign country where crime was committed].

And whereas, the said [name or names of offender or offenders] [“has” or “have”] been found within the jurisdiction of the United States, and [“has” or “have”], by proper authority and due form of law, been brought before [name of Commissioner or Judge of the United States before whom the examination has been held] for examination upon said charge of [nature of crime].

And whereas, the said [“Commissioner” or “Judge”] has found and adjudged that the evidence produced against the said [name or names of offender or offenders] is sufficient in law to justify [“his” or “their”] commitment upon the said charge, and has, therefore, ordered that the said [name or names of offender or offenders] be committed pursuant to the provisions of said treaty stipulations.

Now, therefore, pursuant to the provisions of Section 5272 of the Revised Statutes of the United States, These Presents are to require the United States Marshal for the [statement of the district or State], or any other public

officer or person having charge or custody of the aforesaid [name or names of the offender or offenders], to surrender and deliver [“him” or “them”] up to such person or persons as may be duly authorized by the Government of [name of foreign power] to receive the said [name or names of offender or offenders] to be tried for the crime of which [“he is” or “they are”] so accused.

In testimony whereof, I have hereunto signed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this —— day
 [SEAL.] of ——, A. D. 18—, and of the Independence of the United States the ——.

_____,
Secretary of State.

The President’s warrant, authorizing an officer of the United States to take a fugitive into custody and bring him back to the United States for trial, is issued in the following form :

[President’s name],

President of the United States of America.

To [officer to take the offender into custody].

Whereas, it appears by information in due form by me received, that [name or names of offender or offenders],

charged with the crime of [nature of crime], fugitive from the justice of the United States, [whence fled].

And whereas, application has been made to the [what foreign authorities] for the extradition of said fugitive, in compliance with existing treaty stipulations between the United States of America and [name of foreign power].

And whereas, it is understood that, in compliance with such application, the necessary warrant is ready to be issued by the authorities aforesaid for the delivery of the above-named fugitive into the custody of such person or persons as may be duly authorized to receive the said fugitive and bring [“him” or “them”] back to the United States for trial.

Now, therefore, you are hereby authorized and empowered, in virtue of the stipulations aforesaid, and in execution thereof, to receive the said [name or names of offender or offenders] as aforesaid, and to take and hold [“him” or “them”] in your custody, and conduct [“him” or “them”] from such place of delivery [to what country the flight has been made], by the most direct and convenient means of transportation, to and into the United States, there to surrender the said [name or names of offender or offenders] to the proper authorities of the [name of the State making the request].

For all of which these Presents shall be your sufficient warrant.

In testimony whereof, I have hereunto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this —— day of
 [SEAL.] ——, A. D. 18—, and of the Independence
 of the United States the one hundred and
 ——.

By the President:

———, _____,

Secretary of State.

The forms quoted above have been printed for the past eight years only. Prior to that the warrants were written out. Before leaving the Department the extradition warrants are recorded in three books, entitled, variously, "Warrants of Arrest," "Warrants of Surrender," and "President's Warrants." These date back only to 1862, the warrants before that time being recorded in the volumes of pardons issued by the Department. The recording and issuing of the warrants is a duty of the Bureau of Commissions and Pardons.

The instructions on the subject of extradition

are embodied in the following circulars, which are of most recent date, and have superseded the previous circulars issued on this subject:

MEMORANDUM RELATIVE TO THE EXTRADITION OF FUGITIVES FROM THE UNITED STATES IN BRITISH JURISDICTION.

DEPARTMENT OF STATE,

Washington, May, 1890.

Where application is made for a requisition for the surrender of a fugitive from the justice of the United States in British jurisdiction, it must be made to appear—

1. That one of the offenses enumerated in the treaties between the United States and Great Britain has been committed within the jurisdiction of the United States, or of some one of the States or Territories.

2. That the person charged with the offense has sought an asylum or been found within the British dominions.

All applications for requisitions should be addressed to the Secretary of State, and forwarded to the Department of State, accompanied with the necessary papers, as herein stated, and must furnish the full name of the person proposed for designation by the President to receive the prisoner and convey him to the United States. When the offense is within the jurisdiction of the State courts, the application must come from the Governor of the State.

When the offense is against the United States, the application must come from the Attorney-General or the proper executive department.

It is stipulated in the treaties with Great Britain that extradition shall only be granted on such evidence of criminality as, according to the laws of the place where the fugitive or person charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed.

It is admissible, as constituting such evidence, to produce a properly certified copy of an indictment found against the fugitive by a grand jury, or of any information made before an examining magistrate, accompanied by one or more depositions setting forth as fully as possible the circumstances of the crime. An indictment alone has been held to be insufficient.

By the fourteenth section of the English extradition act of 1870, "depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of, or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence of proceedings under this act."

The fifteenth section of the same act provides as follows: "Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of, or judicial

documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this act if authenticated in manner provided for the time being by law, or authenticated as follows: (1) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued; (2) if the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and (3) if the certificate of, or judicial documents stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of justice, or some other minister of state; and all courts of justice, justices and magistrates, shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof."

If the fugitive be charged with the violation of a law of a State or Territory, his delivery will be required to be made to the authorities of such State or Territory.

If the offense charged be a violation of a law of the United States (such as piracy, murder on board vessels of the United States, or in arsenals or dockyards, etc.), the delivery will be required to be made to the officers or authorities of the United States.

Where the requisition is made for an offense against the laws of a State or Territory, the expenses attending the apprehension and delivery of the fugitive must be borne by such State or Territory. Expenses of extradition are defrayed by the United States only where the offense is against its own laws.

PROVISIONAL ARREST.

Applications, both by telegraph and by letter, are frequently made to this Department for its intervention to obtain the arrest and provisional detention of fugitives from justice in England, Scotland, or Ireland in advance of the presentation of the formal proofs upon which a demand for their extradition may be based. In such cases the only manner in which the Department can intervene is by informing the Minister of the United States in London of the facts and instructing him to take the necessary measures. This the Minister does by authorizing some one connected with the legation to make complaint on oath before a magistrate, in accordance with the requirements of the British extradition act of 1870. The form of this

complaint is hereto annexed as appendix 2. Attention is invited to its provisions, and especially to the statement deponent is required to make that he is informed and believes that a warrant has been issued in the foreign country for the arrest of the accused. This Department, when requested to intervene in such a case, should always be enabled to inform the Minister that such a warrant has been issued, in order that the complaint before the British magistrate may be made in due form and without delay.

APPENDIX I.

The tenth article of the treaty between the United States and Great Britain, concluded August 9, 1842, provides for the surrender of criminals for (1) murder, (2) assault with intent to commit murder, (3) piracy, (4) arson, (5) robbery, (6) forgery, (7) the utterance of forged paper.

The convention concluded July 29, 1889, provides for extradition for the following additional offenses:

1. Manslaughter, when voluntary.
2. Counterfeiting or altering money; uttering or bringing into circulation counterfeit or altered money.
3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.
4. Fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any company, made criminal by the laws of both countries.
5. Perjury, or subornation of perjury.

6. Rape; abduction; child-stealing; kidnapping.
7. Burglary; house-breaking or shop-breaking.
8. Piracy by the law of nations.
9. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.

10. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes mentioned in this convention or in the aforesaid tenth article, provided such participation be punishable by the laws of both countries.

By the seventh article of the convention of 1889 it is stipulated as follows:

“The provisions of the said tenth article (of the treaty of 1842) and of this convention shall apply to persons convicted of the crimes therein respectively named and specified whose sentence therefor shall not have been executed.”

The eighth article of the convention of 1889 is as follows: “The present convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the convention shall come into force.”

The ninth article provides that the convention “shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the high contracting parties.” The convention was proclaimed both in the United States and in Great Britain March 25, 1890, and thus came into force in both countries April 4, 1890.

APPENDIX 2.

*Form of information used in obtaining provisional warrants of arrest
in the United Kingdom of Great Britain and Ireland.*

Metropolitan } The information of
Police District, }
To wit. }

of ———, taken on oath this ——— day of ——— in the year of our Lord one thousand eight hundred and ———, at the Bow Street Police Court, in the county of Middlesex, and within the Metropolitan police district, before me, the undersigned, one of the magistrates of the police courts of the metropolis, sitting at the police court aforesaid.

Who saith that ——— ———, late of ———, is accused [or convicted] of the commission of the crime of ——— within the jurisdiction of ———, and now suspected of being in the United Kingdom. I make this application on behalf of the ——— Government.

I produce ———.

I am informed and verily believe that a warrant ——— has been issued in ——— for the arrest of the accused; that the said Government will demand h— extradition in due course, and that there are reasonable grounds for supposing the accused may escape during the time necessary to present the diplomatic requisition for h— surrender, and I therefore pray that a provisional warrant may issue under the provisions of 33 and 34 V., c. 52, s. 8.

Sworn before me, the day and year first above mentioned, at the police court aforesaid.

MEMORANDUM RELATIVE TO APPLICATIONS FOR THE EXTRADITION FROM FOREIGN COUNTRIES OF FUGITIVES FROM JUSTICE.

DEPARTMENT OF STATE,

Washington, October, 1892.

Extradition will only be asked from a government with which the United States has an extradition treaty, and only for an offense specified in the treaty.

All applications for requisitions should be addressed to the Secretary of State, accompanied by the necessary papers as herein stated.* When extradition is sought for an offense within the jurisdiction of the State or Territorial courts, the application must come from the Governor of the State or Territory. When the offense is against the United States, the application should come from the Attorney-General.

In every application for a requisition it must be made to appear that one of the offenses enumerated in the extradition treaty between the United States and the government from which extradition is sought has been committed within the jurisdiction of the United States, or of some one of the States or Territories, and that the person charged therewith is believed to have sought an asylum or

*The only exception is found in the treaty with Mexico, under which, in the case of crimes committed in the frontier States or Territories, requisitions may be made directly by the proper authorities of the State or Territory. (Article 2, treaty with Mexico, concluded December 21, 1861.)

has been found within the dominions of such foreign government.

The extradition treaties of the United States ordinarily provide that the surrender of a fugitive shall only be granted upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her commitment for trial if the crime or offense had been there committed.

If the person whose extradition is desired has been convicted of a crime or offense and escaped thereafter, a duly authenticated copy of the record of conviction and sentence of the court is ordinarily sufficient.

If the fugitive has not been convicted, but is merely charged with crime, a duly authenticated copy of the indictment or information, if any, and of the warrant of arrest and return thereto, accompanied by a copy of the evidence upon which the indictment was found, or the warrant of arrest issued, or by original depositions setting forth as fully as possible the circumstances of the crime, are usually necessary. Many of our treaties require the production of a duly authenticated copy of the warrant of arrest in this country; but an indictment, information, or warrant of arrest alone, without the accompanying proofs, is not ordinarily sufficient. It is desirable to make out as strong a case as possible, in order to meet the contingencies of the local requirements at the place of arrest.

If the extradition of the fugitive is sought for several offenses, copies of the several convictions, indictments, or informations, and of the documents in support of each should be furnished.

Application for the extradition of a fugitive should state his full name, if known, and his alias, if any, the offense or offenses, in the language of the treaty, upon which his extradition is desired, and the full name of the person proposed for designation by the President to receive and convey the prisoner to the United States.

As the application proper is desired solely by the Department as a basis for its action, and is retained by it, it is not necessary that it should be attached to the evidence.

Copies of the record of conviction, or of the indictment, or information, and of the warrant of arrest, and the other papers and documents going to make up the evidence are required by the Department, in the first instance, as a basis for requesting the surrender of the fugitive, but chiefly in order that they may be duly authenticated under the seal of the Department, so as to make them receivable as evidence where the fugitive is arrested, upon the question of his surrender.

Copies of all papers going to make up the evidence, transmitted as herein required, including the record of conviction, or the indictment, or information, and the warrant of arrest, must be duly certified and then authenticated un-

der the great seal of the State making the application or the seal of the Department of Justice, as the case may be; and this Department will authenticate the seal of the State or of the Department of Justice. For example, if a deposition is made before a justice of the peace, the official character of the justice and his authority to administer oaths should be attested by the county clerk or other superior certifying officer; the certificate of the county clerk should be authenticated by the Governor or Secretary of State under the seal of the State, and the latter will be authenticated by this Department. If there is but one authentication, it should plainly cover all the papers attached.

All of the papers herein required in the way of evidence must be transmitted in duplicate, one copy to be retained in the files of the Department, and the other, duly authenticated by the Secretary of State, will be returned with the President's warrant, for the use of the agent who may be designated to receive the fugitive. As the Governor of the State, or the Department of Justice, also ordinarily requires a copy, prosecuting attorneys should have all papers made in triplicate.

By the practice of some of the countries with which the United States has treaties, in order to entitle copies of depositions to be received in evidence the party producing them is required to declare under oath that they are true copies of the original depositions. It is desirable, there-

fore, that such agent, either from a comparison of the copies with the originals, or from having been present at the attestations of the copies, should be prepared to make such declaration. When the original depositions are forwarded, such declaration is not required.

Applications by telegraph or letter are frequently made to this Department for its intervention to obtain the provisional arrest and detention of fugitives in foreign countries, in advance of the presentation of the formal proofs upon which a demand for their extradition may be based. Such applications should state specifically the name of the fugitive, the offense with which he is charged, the circumstances of the crime as fully as possible, and a description and identification of the accused. It is always helpful to show that an indictment has been found or a warrant of arrest has been issued for the apprehension of the accused. In Great Britain the practice makes it essential that it shall appear that a warrant of arrest has been issued in this country.*

Care should be taken to observe the provisions of the particular treaty under which extradition is sought, and to comply with any special provisions contained therein. The extradition treaties of the United States may be found in the several volumes of the Statutes at Large, in the "Re-

* For fuller information with respect to procedure in cases of provisional arrest within British jurisdiction, see Department's memorandum of May, 1890.

vised Statutes of the United States relating to the District of Columbia and Post Roads, together with Public Treaties in force on the 1st day of December, 1873," and in the volume of Public Treaties, 1887. Copies of individual treaties will be furnished by the Department upon application.

If the offense charged be a violation of a law of a State or Territory, the agent authorized by the President to receive the fugitive will be required to deliver him to the authorities of such State or Territory. If the offense charged be a violation of a law of the United States, the agent will be required to deliver the fugitive to the proper authorities of the United States for the judicial district having jurisdiction of the offense.

Where the requisition is made for an offense against the laws of a State or Territory, the expenses attending the apprehension and delivery of the fugitive must be borne by such State or Territory. Expenses of extradition are defrayed by the United States only when the offense is against its own laws.

A strict compliance with these requirements may save much delay and expense to the party seeking the extradition of a fugitive criminal.

The Bureau of Commissions and Pardons also makes out and records the exequaturs by

which this Government recognizes a consular officer of a foreign country. This duty has been a part of the Department's functions from the time of the Constitution, but all exequaturs were signed by the President up to 1879. Since then he has signed only those that recognize a Consul appointed by the head of the government he represents. Consuls who are appointed by an inferior officer are recognized upon the certificate of the Secretary of State.

Probably the most important routine duties of the Department of State are those connected with the consular and diplomatic service. The Department of Foreign Affairs was formed with the chief object of taking under its charge these functions of government, and the methods of administration have not changed materially since the early days of the Republic. Making allowances for increased facilities of communication between the home office and its agents abroad, a study of the system followed now will indicate what it has always been.

The correspondence with our diplomatic agents and those of foreign countries accredited to this country is a function of the Diplomatic Bureau. The notes from foreign ministers and dispatches from our legations to the Secretary of State are opened in the Bureau of Indexes and Archives, where they are indexed, and then sent to the Chief Clerk, by whom they are referred either to the Diplomatic Bureau direct or to the Secretary or Assistant Secretaries. Eventually all of them reach the Diplomatic Bureau, and are replied to there, the Bureau either initiating the replies or receiving instructions or drafts from the superior officers as to their nature. After signature by the Secretary, the communications are indexed in the Index Bureau and returned to the Diplomatic Bureau to be mailed.

Intimately connected with these duties is the business of attending to the ceremonious correspondence between the President and the heads of foreign governments, and this also

belongs to the Diplomatic Bureau. The letters of this character to the President announce public events, such as accessions to the presidency or to the throne in foreign states, deaths, marriages, or births in royal families, and from the President of the United States acknowledge the receipt of such letters. The envelope containing a letter thus sent by this Government is sealed with the seal of the United States and sent, with a copy, to our legation for transmission through the proper channel to the person to whom it is addressed. These communications are purely formal in their nature, and are regarded simply as interchanges of international courtesy. The preparation of letters of credence, which inform the head of a government of the appointment of a new diplomatic representative, and letters recalling a diplomatic representative are also functions of the Diplomatic Bureau. The returns of passports issued abroad by our diplomatic officers go to this Bureau before they are sent to the passport

clerk, and the propriety of their issuance is passed upon there, under directions from the Secretary or Assistant Secretaries. All correspondence of a miscellaneous character relating to diplomatic affairs and a considerable portion relating to foreign affairs are under this Bureau. In the negotiation of treaties the Bureau acts as the medium of correspondence ; and the drafts of treaties, full powers to negotiate and exchange them, protocols of exchange, and final exchange copies are prepared there. After final signature the copy intended for this Government is sent for safe-keeping to the Bureau of Rolls and Library. Proclamations by the President are engrossed in the Diplomatic Bureau.

For the greater facilitation of its business the Bureau is arranged in divisions. Division A has in its charge correspondence with Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Greece, the Netherlands, Roumania, Servia, and Switzerland, and miscel-

laneous correspondence relating to those countries. Division B is in charge of correspondence with the Argentine Republic, Bolivia, Brazil, Chile, Colombia, Ecuador, Haiti, Italy, Paraguay, Peru, Portugal, Russia, Santo Domingo, Spain, Sweden and Norway, Uruguay, and Venezuela, and miscellaneous correspondence relating to those countries. Division C is in charge of correspondence with the Barbary States, Central America, China, Fiji Islands, Hawaiian Islands, Japan, Liberia, Madagascar, Maskat, Mexico, Navigator's Islands, Persia, Siam, Society Islands, Turkey, and other countries not assigned, and miscellaneous correspondence relating to those countries.

Although not a part of its regular duties, the preparation of the volumes known as "Foreign Relations" falls usually to some official of the Diplomatic Bureau. Tracing this publication from the beginning of the Government, it will be found that the first one that put into available shape the diplomatic records of the Govern-

ment was the series of volumes entitled "The Diplomatic Correspondence of the American Revolution," edited by Jared Sparks under resolution of Congress of March 27, 1818. This was, however, a private publication, with official sanction. It was followed by "The Diplomatic Correspondence of the United States of America, from the signing of the Definitive Treaty of Peace, 10th September, 1783, to the adoption of the Constitution, March 4, 1789," compiled under the direction of the Secretary of State from the original manuscript in the Department, conformably to an Act of Congress approved May 5, 1832. Twelve thousand dollars were appropriated to defray the expenses.

In 1827, John Quincy Adams being President and Henry Clay Secretary of State, the first issue of "Foreign Relations" was printed. It has been a continuous publication ever since. There had been no regular publication before that, covering the period from the adoption of

the Constitution, what printed records there were being scattered among the various Congressional publications. The volume of 1827 of "Foreign Relations" contained the President's message to Congress and selected correspondence between the Secretary of State and our legations and the ministers of foreign powers resident in this country illustrative of our relations with the rest of the world. It also embraced reports relative to the domestic affairs and workings of the Department of State. The volume was printed, as it has been ever since, by order of Congress, under the supervision of the Secretary of State. Since its inception, the plan of this publication has not varied materially; but it has become more purely a work relating to our foreign affairs than it originally was.

It may be said that the general rules and practices that govern our diplomatic and consular corps are found in the various works on international law, and these cover even minute

matters of form and routine; but there has gradually grown up an American construction of international law, and several efforts have been made in the Department of State to make this available in a convenient shape to persons interested. The first of these attempts was the volume issued in 1877 under the supervision of John L. Cadwalader, Assistant Secretary of State, entitled "Digest of the Published Opinions of the Attorneys-General and of the Leading Decisions of the Federal Courts, with reference to International Law, Treaties, and Kindred Subjects." This book was followed in 1886 by the comprehensive work of Francis Wharton, LL. D., "A Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys-General," printed in three volumes, to which a fourth was subsequently added as a supplement. Dr. Wharton was, during the preparation of his

work, Solicitor of the Department of State, had access to all the necessary material, and his work has become the reference book and guide of the American diplomatic and consular agents, as well as of the Department itself. Beyond these publications, the manuscript archives of the Department are the sources whence information is drawn to show what previous practice has been.

Correspondence with the Consuls of the United States is under the supervision of the Consular Bureau. The functions of that Bureau were set forth in the report of the Senate investigating committee in 1887, as follows:*

The Bureau is divided into three divisions, as follows:

Division A, correspondence with consulates within the dominions of France, Germany, and Great Britain, and miscellaneous correspondence relating thereto.

Division B, correspondence with consulates within the dominions of the Argentine Republic, Austria-Hungary, Belgium, Brazil, Chili, Denmark, Greece, Italy, Nether-

* Report of the Select Committee of the United States Senate, under Senate Resolution of March 3, 1887. Washington, 1888, Vol. III, p. 7 *et seq.*

lands, Paraguay, Peru, Portugal, Russia, Spain, Sweden and Norway, Switzerland, Uruguay, and miscellaneous correspondence relating thereto.

Division C, correspondence with Consulates within the dominions of the Barbary States, Bolivia, Central America, Colombia, China, Ecuador, Egypt, Friendly and Navigators' Islands, Hawaiian Islands, Haiti, Japan, Liberia, Madagascar, Mexico, Muscat, San Domingo, Siam, Turkey, Venezuela, and other countries not assigned, and miscellaneous correspondence relating thereto.

Besides the three heads of the above-named divisions the Bureau includes a law clerk, whose duty is to examine questions of law involved in the work of the Bureau; * * * a mail clerk, who is charged with the forwarding of all mail matter originating in the Bureau. * * *

The work of the Consular Bureau consists principally of correspondence with Consular officers in regard to their official duties and with the several Departments of the Government and individuals on the same subject. * * * It may be said generally to cover instructions to consuls in regard to commercial matters, seamen's accounts and difficulties, estates of deceased Americans, sanitary reports and inspections of vessels, undervaluation of goods, certification of invoices, accounts for salary and miscellaneous expenses, &c., and correspondence with Departments and individuals on similar subjects. Besides this work, much

time is taken up in giving to new consuls and consuls on leave verbal instructions in regard to all matters pertaining to their offices.

Dispatches from consuls, and letters from Departments and individuals, on reaching the desk of the chief of the Bureau,* are by him examined and sent to the proper divisions for reply, the nature of the reply being indicated by indorsement of the Secretary or one of the Assistant Secretaries, or the chief of the Bureau. If necessary, a report showing the previous history of the case or the law bearing thereon is made and the matter submitted for decision. Replies are written by the heads of divisions and submitted to the chief of the Bureau for approval, and are then sent to be signed and indexed, when they are returned to the Bureau [through the Chief Clerk] to be press-copied and forwarded.

There are more than twelve hundred persons in the consular service of the United States. The rules for their government are found in the volume known as "Consular Regulations," the last issue of which appeared in 1888. It contains all the laws and rules which govern a Consul's performance of his duties, except in

* Having previously been indexed, as in the case of diplomatic communications.

extraordinary cases which it would be impossible to cover. The first issue of this handbook was made in 1874, under the supervision of Honorable Hamilton Fish, and a second edition appeared in 1881. There had, however, been issued in 1855, by Honorable William L. Marcy, as Secretary of State, a handbook called "General Instructions to the Consuls and Commercial Agents of the United States, Prepared under the Direction of the Department of State," which followed the Act of March 1, 1855, remodeling the consular and diplomatic systems. In accordance with the Act of August 18, 1856, another edition was issued in 1857, entitled "Regulations Prescribed by the President for Consular Officers of the United States." Before these volumes appeared, the consular officers were dependent upon circulars and instructions issued by the Department, and upon their general knowledge and experience in the transaction of business.

The reports of the Consuls which relate to

trade or commerce in their respective districts are printed under the supervision of the Bureau of Statistics, and this Bureau edits and distributes the reports. They are printed in pamphlets or volumes varying in size, according to their nature, and are divided into three classes—regular reports which come in under the general consular regulations, special reports in response to circulars from the Department calling upon the Consuls for reports upon some particular subject or subjects, and annual reports covering the trade of the different consular districts with this country.

An edition of nine thousand copies of the regular reports is printed, of which five copies go to each Senator and Representative, five copies to each board of trade, beside copies to the libraries, to the press, to our consular and diplomatic officers, to individuals and corporations. Between two and three hundred copies are reserved for distribution by the Department as they may be called for. Inquiries in person or

by letter relating to the commerce, industry, and trade of foreign countries are answered by this Bureau.

The introduction, dated October, 1880, to the first of the regular issues of the "Consular Reports" contains a statement of the origin of the system of publication, which has been followed ever since. It is as follows:

Previous to the last session of Congress, with the exception of short abstracts given, from time to time, to the press, the only means of giving publicity to consular reports was through the annual volume of *Commercial Relations*. The delay incident hereto neutralized, to a large degree, the good which would have resulted from the immediate publication of many of these communications, while a large number of valuable reports were left unpublished altogether, and many others necessarily curtailed, in order that the annual volume might be kept within reasonable limits.

Appreciating the good results of the praiseworthy efforts of our consuls for the enlargement of our commercial relations in their several districts, and desirous of giving the country the fullest and most direct benefits of their labors, Congress, upon representations made thereto by this Department, at its recent session, made provision "for print-

ing and distributing more frequently the publications by the Department of State of the consular and other reports.”

This action was taken in response to the wishes of the leading commercial communities of the United States, as expressed through the chambers of commerce of the principal cities, which bore testimony to the great value of these reports, and the advantages which would accrue from their more frequent publication.

As a necessary sequence to the foregoing action of Congress, a circular, under date of July 1, 1880, was issued by this Department to the consuls-general, consuls, and commercial and consular agents of the United States. The nature of this circular, and the scope of the proposed publications, of which this is the initial number, will be understood from the following extracts:

* * * * *

“You are therefore requested to prepare and forward to this Department reports upon all subjects which may be calculated to advance the commercial and industrial interests of the United States, bearing in mind, however, while giving yourselves the broadest scope for the accomplishment of the work herein assigned you, that your principal efforts must be directed to the introduction of the American trade into, and the enlargement thereof in, your districts.

* * * * *

“The annual volume of Commercial Relations will be published as heretofore; you will continue to prepare your annual reports therefor as usual, but the publication of these special communications will enable you to dispense in the former with all extraneous matter, treating therein of subjects pertaining only to what properly belongs to annual reports, as laid down in consular regulations.

* * * * *

“I am, etc.,

“WM. M. EVARTS.”

The amount appropriated by Congress was \$20,000; the appropriation has remained the same ever since.

Previous to this action, an attempt had been made by the Department, looking to the same end. In July, 1877, a circular was sent to the Consuls in Mexico, Central and South America, in part as follows:

It is believed that the period has now arrived when it would be wise for all the nations of this continent to consider more carefully than heretofore how they may best enlarge their trade with each other. Their geographical position and the resemblance between their political institutions facilitate the cultivation of such commerce,

The United States are in a condition to supply cheaply and easily many products and manufactured articles, suitable to their wants, to all or nearly all of the Spanish American Republics, * * * receiving in return natural products, which can be utilized here.

* * * * *

Apart from questions of merely commercial or pecuniary advantage, the development of such trade would have also a beneficial influence upon the political condition of the republics of this continent.

* * * * *

In view of these considerations, it is desired by the Department that its Diplomatic and Consular officers should devote attention to the question of methods by which trade with the United States can be most judiciously fostered.

Without seeking to interfere with any commercial operations or enterprises that may now be in existence, it is nevertheless deemed highly probable that you may be able, by examination and inquiry, to point out branches of trade with * * * in which the United States may properly and usefully share. You are instructed, therefore, to make such examination at your convenience, and to advise the Department, when suitable occasions shall offer, as to the demand for different kinds of manufactured articles now in * * *, their nature and prices, and whether they

are of the character which it is probable the industry of the United States can supply.

* * * * *

The inquiry here suggested should not be hastily made * * *. It is rather the purpose of the Department that it should be continuous, and that you may from time to time communicate to the Government such information as you may from time to time acquire in this direction, in order that it may be laid before Congress and the general public.

I am, etc.,

WM. M. EVARTS.

This circular was supplemented in August of the same year by a similar one to the Consuls in Europe. The replies were printed and distributed, and paved the way toward the systematic publication at regular intervals of "Consular Reports" by the Bureau of Statistics.

Both of these circulars were followed by one dated April 11, 1878, which was, perhaps, the most important effort thus far made by the Department to utilize the consular corps as an instrument for gathering important statistics,

It was known as the "Labor Circular," and was sent to the consular officers in Great Britain, France, Germany, Belgium, Italy, Spain, the Netherlands, Sweden and Norway, and Denmark. It read as follows :

GENTLEMEN : With reference to the circular addressed to you in August, 1877, in respect to the trade of the United States with foreign countries, it is now deemed desirable that you should make inquiries and report in regard to the following points, viz :

1st The rate of wages usually paid to laborers of every class, but with more especial reference to agricultural laborers, mechanical laborers, and those upon public works and railways.

2^d The cost of living to the laboring class, or the prices paid for what may be termed the necessaries of life.

3^d So far as practicable, a comparison of the present rates with those prevailing during the past five years, both as to wages and cost of living.

4th Such information as may be obtainable touching the present state of trade, whether prosperous or otherwise ; the amount and character of paper money, if any, as circulation ; and the amount and character of coin, with the relation borne by paper and coin to each other.

5th And lastly, such information as may be obtainable as to the business habits and systems of your districts.

It is desired that the information which may come to your knowledge on the foregoing points should be embraced in a report to the Department, to be made as soon as may be practicable.

I am, etc.,

F. W. SEWARD,
Assistant Secretary.

The result of this circular was the publication, by order of Congress, the following year, of the volume known as "Labor in Europe," the precursor of the exhaustive report in three volumes which appeared in 1884. Since the organization of the present Bureau of Statistics numerous other special reports, following the same plan, have been printed, the largest and most elaborate of which are the volumes, profusely illustrated, entitled "Cattle and Dairy Farming of the World."

The volumes of "Commercial Relations" issued by this Bureau were authorized by the Act of August 18, 1856.

In the same year, before the passage of that Act, appeared four large volumes entitled "Report on the Commercial Relations of the United States with all Foreign Nations; Edmund Flagg, Superintendent; Prepared and Printed under the Direction of the Secretary of State in Accordance with Resolutions of the Senate and House of Representatives." The resolutions had voted \$10,000 to defray the expense.

In his introduction, Mr. Flagg, "Superintendent of the Statistical Office," stated:

Three reports on "the privileges and restrictions of the commercial intercourse of the United States with foreign nations" similar to the present, have appeared since the establishment of this government. The first was communicated to the House of Representatives, December 16, 1793, by Mr. Secretary Jefferson, in conformity to "instructions" of that body, February 14, 1791, and embraces what is equivalent to some eight or ten octavo pages. The second was communicated to the Senate by Mr. Secretary Forsyth, December 18, 1839, in compliance with a resolution of that body of December 19, 1838, and comprises seventy-four octavo pages. The third and last report was

communicated to the House of Representatives by Mr. Secretary Webster, March 29, 1842, in accordance with resolutions of that body of September 3, 1841, and January 31, 1842, and forms a document of nearly six hundred pages.

In addition to these reports, three other commercial compilations issued by the government should be named—to wit:—the “Commercial Digest,” transmitted to the Senate by President Monroe, December 7, 1819, conformably to a resolution of that body, March 3, 1817; the “Digest of Commercial Regulations,” showing the “changes” in such regulations subsequent to the Digest of 1819, prepared by Mr. Secretary Adams, in accordance with a resolution of the House, January 21, 1823, and communicated to that body January 30, 1824; and last, the “Digest of Commercial Regulations” prepared and printed, in three volumes, under the direction of the Secretary of State, in compliance with a resolution of the House, March 3, 1831; the first volume being completed for transmission to that body, May 28, 1833, and the second and third volume in 1836. But in neither of these works last named, was it required to communicate specifically “the privileges and restrictions of the commercial intercourse of the United States with foreign nations,” by which requirement the former were characterized.

The four volumes of the report were divided into three parts—"Commercial Digests," "Comparative Tariffs," and "Consular Returns."

In 1857 appeared the first volume of the "Commercial Relations," the title page reading: "Report of the Secretary of State, Transmitting a Statement from the Superintendent of Statistics of the Commercial Relations of the United States with Foreign Nations, for the Year Ending September 30, 1856." The volume was on the same plan as that now pursued, being composed of statistical reports giving information of the condition of trade in their districts by the Consuls. While it is now edited and prepared in the Bureau of Statistics, its distribution is a function of the Bureau of Rolls and Library, which also has in its custody the laws of the United States.

Under the terms of the Act creating the Department of State bills, orders, resolutions, etc., passed by Congress and approved by the Presi-

dent, or passed over his veto, were sent to the Secretary of State, by whom they were printed in at least three newspapers, and copies sent to Senators and Representatives and the Executives of the several States, and the originals recorded and preserved. Applications from the newspapers for the printing were received and duly considered, and the contracts awarded. In 1795 (March 3) this method was abandoned, and the Secretary of State was directed "after the next session of Congress, [to] cause to be collated and printed, at the public expense, a complete edition of the laws of the United States, comprising the Constitution of the United States, the public acts then in force, and the treaties, together with an index of the same." Four thousand five hundred copies were to be divided among the several States and the Territory Northwest of the Ohio, through their respective Executives, according to the rule for apportioning Representatives in Congress, and five hundred copies were re-

served for the future disposition of Congress. The Acts passed at each succeeding Congress were to be printed and distributed in the same way. Under this law began the volumes "Laws of U. States," printed, in the beginning, by Richard Folwell, 33 Carter's Alley.

By Act of March 3, 1797, Congress directed that the five hundred copies reserved for its future use should be distributed by the Secretary of State as follows: Two sets to George Washington, one for his personal use, the other for his official use; a set to the Vice-President and to each Senator and Member of Congress; six sets to the Secretary of the Senate and twelve sets to the Clerk of the House; a set for each of the Judges of the United States Supreme Court and the District Courts, and the Marshals and Attorneys; one set each for the Secretaries of State, of the Treasury, and of War, the Attorney-General, the Director of the Mint, the Comptroller of the Treasury, the

Commissioner of the Revenue, the Register, the Auditor, the Accountant of the War Department, the Postmaster-General, and the Purveyor of Public Supplies; one set to the Governor and one to the Secretary of the Territory Northwest of the Ohio, and to each of the judges of the Territory; also to each collector, naval officer, surveyor, supervisor, and inspector of the revenue. The volumes were, upon severance of an official from his office, to be left for his successor, except in the case of the President, Vice-President, Senators, Representatives, and Judges of the Supreme Court and District Courts, to whom they were to be personal property.

The publication of the laws in newspapers was revived by the Act of March 2, 1799, which provided that the Secretary of State should print them in at least one newspaper within each State; and, in case this was found to be insufficient promulgation, the publication could be made in not more than three newspa-

pers in one State. He was also required to print five thousand copies in addition to the usual number, to be delivered to the United States Judges, District Attorneys, and Marshals, the remainder to be distributed according to the rule for apportioning Representatives. This Act necessarily increased the business of the Department, and the correspondence with editors competing for publishing the laws became considerable.

March 27, 1804, another Act was approved, requiring the Secretary of State "to procure four hundred copies of the laws of the United States," one hundred copies to be distributed in the Territory of Orleans and three hundred copies to be reserved for the disposal of Congress. One thousand copies of the laws printed at the close of Congress were to be similarly reserved, and the distribution of the remainder extended to the Territory of Orleans and District of Louisiana and the other Territories. The Secretary of State was also re-

quired to print the laws in a newspaper in each Territory where newspapers were printed. An appropriation of \$2,000 was made for defraying the expenses. The payments for carrying out the provisions of the previous acts had come from the general fund.

The method of printing described above continued, and in 1814 (April 18) Bioren, Duane & Weightman were authorized, under the supervision of the Secretary of State, to publish an edition of the laws in four volumes. This did not supersede the issues by the Department, but merely authorized a reprint.

November 21, 1814, the Secretary of State was authorized in his discretion to extend the promulgation of the laws in the Territories by printing them in two newspapers in each Territory.

The following year (March 3) the copies of the laws which had not been distributed were transferred from the Department of State to the Congressional Library.

April 20, 1818, another law was enacted au-

thorizing the Secretary of State to publish the laws, etc., currently, "in not more than one newspaper in the District of Columbia, and in not more than three newspapers in each of the territories of the United States." The compensation for printing by the newspapers was fixed by this Act "at the rate of one dollar for each printed page of the laws, resolutions, and treaties, as published in the pamphlet form." The pamphlet was prescribed to be "eleven thousand copies of the Acts of Congress at large, including all resolutions passed by Congress, amendments to the Constitution adopted, and all public treaties made and ratified since the last publication of the laws; which copies shall be printed on paper, and in the size of the sheet and type, in a manner to correspond with the late revised edition of the laws, published by Bioren and Co." The Secretary of State was required, also, to insist that whoever printed the laws should furnish "two good and sufficient sureties for the faithful performance of the con-

tract." The appropriation for carrying out the Act was "whatever sum of money may be necessary." By Act of April 24, 1818, the Secretary was ordered to have printed the laws of Michigan Territory, and to distribute them among the people of the Territory.

All the previous Acts were modified by the law of May 11, 1820, prescribing the publication of the laws "in a number of public newspapers, not exceeding one in the District of Columbia, and in not more than three newspapers in each of the several states and territories of the United States." All treaties, except Indian treaties, he was ordered to publish in one newspaper, "and that to be within the limits of the state or territory to which the subject matter of such treaty shall belong."

These publications in the newspapers did not, however, interfere with the pamphlet publications by the Department; but the Act of August 26, 1842, recognized as authority the edition of Little, Brown & Company and discontinued the

Department pamphlet. This Act also provided for the printing in "not less than two nor more than four of the principal newspapers published in the City of Washington for country subscribers, giving the preference to such papers as have the greatest number of permanent subscribers and the most extensive circulation." The compensation allowed was the same as that fixed by the Act of April 20, 1818.

Little, Brown & Company continued to publish the laws; and October 31, 1850, under authority, the Secretary of State concluded a contract with them for that purpose.

The Act of June 25, 1864, revived the pamphlet publication by the Department and discontinued the payments to Little, Brown & Company, provision being made, also, for the publication in newspapers. The Act of July 23, 1866, appropriated \$15,000 for printing the laws in newspapers in the insurgent States. A resolution of March 31 of that year had directed the renewal of the contract with Little, Brown &

Company, provided that the charges for the publication of their edition of the laws were not more than five per cent. above cost price. The appropriation Act of 1872 required that the pamphlet publication of the laws should cease after March 4, 1875.

In 1874 the contract with Little, Brown & Company having come to an end was not renewed, and the publication of the laws was placed solely in the hands of the Secretary of State by Act of June 20. This was the Act that created the "Revised Statutes of the United States," and the Secretary was also authorized to "cause to be edited, printed, published and distributed pamphlet copies of the statutes" of that and each future session of Congress, and bound copies of the laws of each Congress. The Act provided that the pamphlet copies of the acts and resolutions be distributed as follows:

To the President and Vice President of the United States, two copies each; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of

the Senate, for the use of Senators, one hundred and twenty-six copies; to the librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates; to the Library of Congress, fourteen copies; to the Department of State, including those for the use of legations and consulates, six hundred copies; to the Treasury Department, two hundred copies; to the War Department, including those for the use of officers of the Army, two hundred copies; to the Navy Department, including those for the use of officers of the Navy, one hundred copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post Office Department, fifty copies; to the Department of Justice, including those for the use of the Chief Justice and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, ten copies; to the Smithsonian Institution, five copies; to the Government Printing Office, two copies; to the governors and secretaries of Territories, one copy each; to be retained in the custody of the Secretary of State, one thousand copies; and ten thousand copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

Section 7 of the Act reads :

That after the close of each Congress the Secretary of State shall have edited, printed and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings; to the Vice President of the United States, one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the library of the Senate, for the use of Senators, one hundred and fourteen copies; to the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies; to the Library of Congress, fourteen copies, including four copies for the law library; to the Department of State, including those for the use of legations and consulates, three hundred and eighty copies; to the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies; to the War Department, including a copy for the Military Academy at West Point, fifty copies; to the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library at each navy-yard in the United States, a copy for the library of the

Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land-offices, two hundred and fifty copies; to the Post Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, five copies; to the Smithsonian Institution, two copies; to the Government Printing Office, one copy; and the Secretary of State shall supply deficiencies and offices newly created.

Also, the Department was ordered to sell the Revised Statutes and the laws of each session "at the cost of the paper, press work, and binding, with ten per cent thereof added thereto to any person applying for the same," the proceeds to be paid into the Treasury.

Following the provisions of the law, the system at the present day is as follows:

As soon as a law or resolution is passed by Congress and signed by the President, or passed by a two-thirds vote over the President's

veto, it is sent to the Department of State. There it is numbered and classed either as "public" or "private," and is compared with the printed bill upon which it was based, which had been received by the Department before it became a law. The bill is altered so as to be identical with the law, and becomes the "copy" for the Government Printing Office. Up to July, 1838, all the laws and resolutions were copied in the Department in full in books provided for the purpose; but the law requiring this was in that year repealed, and this unnecessary labor ceased. The proof, being received from the Government Printing Office, is compared, not with the "copy," but with the original engrossed act or resolution, the revised and re-revised proof being similarly dealt with. As finally printed, the act or resolution appears on separate, unbound sheets. These are termed the "slip laws," and are for free distribution; and certified copies under the seal of the Department can be had on application, the "slip

law," before the certification, being again compared with the original. The pamphlet publication of the statutes is made from the "slip laws;" but, after they are given to the printer and "set up," they have the benefit of comparison with the originals, making, in all, four separate readings. Having passed into the hands of the Editor of the Laws, they are printed under his supervision, and appear as the Statutes at Large. The original laws and resolutions are, after the final reading, bound and placed on file; and the stereotype plates from which the printing is done are sent to the Department of State and deposited there.

In addition to the laws themselves, there are deposited with the Department of State what are known as the "pocketed laws." These are the bills or resolutions of Congress which, coming to the President within ten days of the adjournment of Congress, have not received his approval. They have not been returned to Congress with his disapproval, and they sim-

ply fail because he has not signed them. These are all sent to the Department of State, where they are bound and preserved under the above heading.

The printed editions of the laws pass into the immediate custody of the Bureau of Accounts, being distributed according to the Act of Congress, and sold subject to the provisions of the following circular, the moneys received being deposited in the Treasury Department and credited to the fund "Miscellaneous Accounts:"

DEPARTMENT OF STATE.

The following are the prices at which the Laws of the United States are *sold* at this Department, no provision having been made by Congress for their *free* distribution :

Revised Statutes (Edition of 1878).....	bound...\$2.90
Revised Statutes relating to District of Columbia, Post Roads, and Public Treaties.....	bound... 3.58
Supplement to the Revised Statutes (Edition of 1891).....	do..... 2.00
(Abridgment of Vols. 18, 19, 20, 21, 22, 23, 24, 25, and 26, Statutes at Large.)	
Laws of first session, 43d Cong., 1873-'74.....	pamphlet... 1.05
Laws of second session, 43d Cong., 1874-'75.....	do..... .65
Statutes at Large, Vol. 18, 43d Cong., 1873-'75.....	bound... 2.99
Laws of first session, 44th Cong., 1875-'76.....	pamphlet... .65

Laws of second session, 44th Cong., 1876-'77.....pamphlet...	\$0.48
Statutes at Large, Vol. 19, 44th Cong., 1875-'77.....bound...	2.40
Laws of first session, 45th Cong., 1877.....pamphlet...	.12
Laws of second session, 45th Cong., 1877-'78.....do.....	.50
Laws of third session, 45th Cong., 1878-'79.....do.....	.55
Statutes at Large, Vol. 20, 45th Cong., 1877-'79.....bound...	2.28
Laws of first session, 46th Cong., 1879.....pamphlet...	.14
Laws of second session, 46th Cong., 1879-'80.....do.....	.60
Laws of third session, 46th Cong., 1880-'81.....do.....	.46
Statutes at Large, Vol. 21, 46th Cong., 1879-'81.....bound...	2.50
Laws of first session, 47th Cong., 1881-'82.....pamphlet...	.72
Laws of second session, 47th Cong., 1882-'83.....do.....	.55
Statutes at Large, Vol. 22, 47th Cong., 1881-'83.....bound...	2.30
Laws of first session, 48th Cong., 1883-'84.....pamphlet...	.65
Laws of second session, 48th Cong., 1884-'85.....do.....	.50
Statutes at Large, Vol. 23, 48th Cong., 1883-'85.....bound...	2.10
Laws of first session, 49th Cong., 1885-'86.....pamphlet...	.75
Laws of second session, 49th Cong., 1886-'87.....do.....	.50
Statutes at Large, Vol. 24, 49th Cong., 1885-'87.....bound...	2.20
Laws of first session, 50th Cong., 1887-'88.....pamphlet...	1.00
Laws of second session, 50th Cong., 1888-'89.....do.....	.55
Statutes at Large, Vol. 25, 50th Cong., 1887-'89.....bound...	2.45
Laws of first session, 51st Cong., 1889-'90.....pamphlet...	1.05
Laws of second session, 51st Cong., 1890-'91.....do.....	.70
Statutes at Large, Vol. 26, 51st Cong., 1889-'91.....bound...	2.60
Laws of first session, 52d Cong., 1891-'92.....pamphlet...	.70

The Revised Statutes (Edition 1878) embraces the laws of a general and permanent nature in force December 1, 1873, and the specific amendments thereof made during

the 43d and 44th Congresses. The Supplement to the Revised Statutes is an abridgment of Vols. 18, 19, 20, 21, 22, 23, 24, 25, and 26 of the Statutes at Large, comprising all the laws of a general and permanent nature passed during the 43d, 44th, 45th, 46th, 47th, 48th, 49th, 50th, and 51st Congresses.

Payment is required to be made in cash, postal notes, or by bank drafts on banks in New York city or Washington, D. C., payable to the order of the "Disbursing Clerk, Department of State." *Individual checks on banks located outside of New York or Washington can not be accepted.*

The books will be sent by mail, postage free.

Disbursing Clerk.

The laws are prepared for the printer by the Bureau of Rolls and Library. The functions of this Bureau are described in the report of the Senate investigating committee:*

The rolls division is charged with the custody of the laws and treaties of the United States, the proclamations of the President, the files and records of the several International Claims Commissions, and the historical archives of the nation.

*Methods of Business in the Executive Departments, III, 19 *et seq.*

The library division is charged with the work usual to librarians, the care and distribution of the larger number of the publications of the Department, and the management of the publications of Congress apportioned to the Department.

As to the character of the work performed, first, in the rolls division, the first duty to which all other business gives precedence is that which relates to the promulgation and exemplification of the laws of the United States. At times of special stress, following the close of each session of Congress, when the larger number of the acts and resolutions are received, the entire force of the Bureau, so far as necessary, is employed day and night in the preparation of the records, of the copy for the printer, in the revision of the proof, and in the distribution of the printed copies.

The laws having been published in what is commonly called "slip-form," the work of preparing the matter for publication in pamphlet form is then undertaken, the Chief of the Bureau being responsible for the text only of that publication.

* * * * *

The ordinary business of the rolls division, which is interrupted only for a few weeks during the execution of the work in publishing the laws above referred to, is that of preparing the treaties of the United States for publication ;

conducting the correspondence relative to subjects requiring searches in the historical archives and in the files of the International Claims Commissions, and the indexing of the archives.

* * * * *

A list of such [books] as are thought, from time to time, to be needed is sent to the Assistant Secretary for approval, and such as meet with his approval are then ordered of the dealer by letter. When the books are received each volume is stamped with the date of its receipt, a number assigned to it, and the volume entered in a register of accessions. The full title of the work is then copied upon cards under an author, title and subject, a separate card being used for each. The size, place, and date of its publication, the publisher, number of its pages and illustrations, the date of its receipt, from whom purchased and the price paid for it, such price when in foreign money being converted into the American equivalent, are also recorded upon the cards. The volumes are then arranged in the library, each being assigned its proper alcove and shelf. * * * The cards, when made, are added to the card catalogue, strict alphabetical order being preserved in their arrangement. * * *

The original invoices of the dealers are carefully preserved in the library for record, an itemized voucher for their payment being made out in the library, approved by the Assistant Secretary, sent to the dealer by letter for sig-

nature and then turned over to the Bureau of Accounts for payment.

In building up the Library, the aim has been from the beginning to make it as complete a collection of publications on international law, American history, and foreign countries as possible. The law creating the Department of State prescribed that the Secretary should procure copies of the laws of the different States, and this Act has never been repealed. The Library has therefore endeavored to preserve as complete sets of the session laws of the States as possible.* The constant purchase for years of works on international law has resulted in the largest and most complete collection in this country, both historically and in the sense of current publications.

In 1887 was published the first number of a "Catalogue of the Works Relative to the Law of Nations and Diplomacy in the Library of the

*It must be admitted, however, that this object has never been fully attained. The Library does not contain complete sets of these laws, nor is it believed that they are to be found in the archives of all the States themselves.

Department of State," which was followed by "A List of Books Received at the Library of the Department of State, July 1—October 30, 1886, with References to International Treaties and Articles on Subjects Relative to the Law of Nations and Diplomacy in Magazines Received During the Same Period." The third, fourth, and fifth issues of these lists included indexes of the publications of the second session of the Forty-ninth Congress which concerned the Department of State. These publications were discontinued, owing to the insufficient clerical force at the library's disposal. A new series has, however, been recently inaugurated, the title of the first number being "A List of Books and Pamphlets Received at the Library of the Department of State, by Purchase, Exchange, and Gift, during the Period from May 27, 1892, to October 1, 1892, Supplemented by a List of Periodicals and Newspapers Now Currently Received." The first issue appeared in October, 1892.

As the repository of the historical records of the Government, this Bureau has in its custody the principal papers relating to the Revolutionary War. The records of the Continental Congress were turned over to the Secretary of State under the law creating the Department of Foreign Affairs. They include the secret journals, committee reports, letter books, etc.

There are deposited here, also, the Declaration of Independence, Articles of Confederation, and the Constitution of the United States, besides all the treaties made by this Government with foreign powers. In 1834, by Act of June 30, the Secretary of State was authorized to purchase the manuscript papers and books of George Washington for \$25,000, and fifteen years later an Act (March 3, 1849) appropriated \$20,000 for the purchase of the remainder of the Washington collection. The Act of May 31, 1848, added the Madison papers, bought for \$25,000, to the collection; and August 12 of that year \$20,000 was appropriated for the

purchase of Jefferson's manuscript papers. March 3, 1849, \$20,000 was appropriated for the purchase of the Monroe papers. All of these historical papers are in the custody of the Bureau of Rolls and Library.

All payments of moneys under the Department's control are under the supervision of the Bureau of Accounts. It is described as follows:*

The work is of such a nature as to require separation into three distinct divisions, viz.:

1. Matters of accounts relating to the Department proper;
2. Matters relating to international indemnities;
3. Examination and regulation of diplomatic and consular accounts.

* * * * *

All disbursements on account of the Department of State are made by the Chief of this Bureau, who is the disbursing clerk of the Department.

* * * * *

The accounts of ministers for salary and contingent expenses, the salary accounts of secretaries of legation and chargés, the accounts of consuls for contingent expenses, clerk hire, compensation of interpreters, and guard, &c.,

*Methods of Business in the Executive Departments, III, 17 *et seq.*

and all special accounts of ministers and consuls for expenses incurred in pursuance of special authorization or by reason of emergencies in the service, are required to be approved by the Secretary of State before being admitted to settlement by the accounting officers of the Treasury. The Secretary's approval is not given until he has ascertained by means of an examination in this Bureau that the accounts are in every detail in accordance with law and regulations.

* * * * *

The entire telegraphic correspondence of the Department of State is conducted by the clerks of this Bureau. * * * The greater portion of these messages in quantity, though not in number, is in cipher.

This Bureau, as we have seen before, is also in charge of the distribution of the Federal Laws,* and it also receives whatever funds come from the issuance of passports.

The granting of passports to American citizens for their protection in traveling abroad was a function which fell to the Government under the general provisions of international law as soon as there was competent authority

* *Ante*, p. 167.

for the purpose. Naturally, it came under the supervision of the Department of Foreign Affairs and afterwards of the Department of State, but for some years it was not wholly within the Department's charge.

The treaty of 1778 with France provided for the form of passport to be given by the two Governments to their respective vessels; but there was no law at that time relative to the granting of passports to individuals, nor would a passport, if issued, have proved a protection, as no power, except France, had as yet acknowledged the independence of the United States.

After the peace passports were issued; and by Act of Congress approved April 30, 1790, it was provided that, if any person should violate a safe-conduct or passport issued under the authority of the United States, he should, upon conviction, suffer fine and imprisonment. Passports being issued only to American citizens, the Department necessarily required some evidence of citizenship. This was usually a certifi-

cate of a notary public; but there was no fixed rule, nor was the Department the only authority which issued passports. In 1835 the Supreme Court described the situation thus:

There is no law of the United States, in any manner regulating the issuing of passports, or directing upon what evidence it may be done, or declaring their legal effect. It is understood, as matter of practice, that some evidence of citizenship is required, by the Secretary of State, before issuing a passport. This, however, is entirely discretionary with him.*

The lack of legal provision on the subject led to gross abuses, and "the impositions practiced upon the illiterate and unwary by the fabrication of worthless passports" † led finally to the passage of the Act of August 18, 1856. This provided that the Secretary of State be authorized to grant and issue passports, and cause them to be granted and verified in foreign countries by diplomatic and consular officers of the United States, under such rules as the President

*9 Peters, 699.

†Op. Atty. Genl., 1X, 350.

might prescribe. No one else was to issue passports, and they must be issued to none but citizens of the United States. There was to be no charge, except in foreign countries, where the fee was to be \$1. Any person not authorized to do so who granted a passport should, upon conviction of the offense, be deemed guilty of a misdemeanor and fined and imprisoned. All returns of passports issued abroad were to be made to the Secretary of State.

Such returns had, however, been made from the beginning; but it is probable that they were not made regularly or by all our agents abroad who granted passports. The early passports were not essentially different in form from those now used, but frequently a simple certificate of citizenship was made to do duty for a regular passport. An example may be cited:

William Deas, Chargé des Affaires of the United States of America to the Court of Great Britain.

I do certify, That Samuel Potts, sixty years of age, Five feet eight inches in height, blue eyes, ordy. sized mouth,

large Nose, high Forehead, bald, fair complexion, gray Hair and long Face—is a citizen of the United States of America and as such is entitled to all privileges to that character belonging. This certificate to avail during the Voyage upon which Mr. Potts is on the point of embarking for the United States.

Given under my Hand and the Seal of the Legation at London this Twenty-seventh day of October 1795.

W^m ALLEN DEAS [SEAL.]

Copies of a number of certificates of this character are among the Department archives, together with the letters to the legations asking for them; and since 1817, John Quincy Adams being Secretary of State, the papers relating to the issuance of passports by the Department have been kept systematically and separate from the other correspondence.

Although the Act of August 18, 1856, cited above, required that no fee be charged by the Department for issuing passports, it does not appear that one had ever been charged, except, perhaps, the notarial fee for administering oaths. The Act of July 1, 1863, was the first one es-

tablishing a passport fee, which was fixed at \$3. This was increased to \$5 by Act of June 20, 1864. The administering of the oath was done by a regularly qualified person having authority to administer oaths for general purposes, but the Act of February 3, 1870, authorized the Passport Clerk in the Department to administer oaths and affirmations on applications for passports, free of charge. These oaths and affirmations are deemed to be made under the pains and penalties of perjury. The passport fee was abolished by Act of July 14, 1870, restored by that of June 20, 1874, and reduced by Act of March 23, 1888, to \$1, the present rate.

The system, as it has been followed by the Department under the law, has been reduced to three classes of passports—the ordinary passport, the special passport, and that given to diplomatic representatives of foreign governments in their transit through the territory of the United States. The ordinary passports are issued to citizens of the United States upon ap-

plication, the prescribed form of which for native citizens is as follows :

[Edition of 1889.]

No. _____.

Issued _____.

UNITED STATES OF AMERICA.

State of _____ }
 County of _____ } *ss.*

I, _____, a Native and Loyal Citizen of the United States, hereby apply to the Department of State, at Washington, for a passport for myself, accompanied by _____, as follows: _____, born at _____, on the _____ day of _____, 18—, and _____.

I solemnly swear that I was born at _____, in the State of _____, on or about the _____ day of _____, 18—; that my father is a _____ citizen of the United States; that I am domiciled in the United States, my permanent residence being at _____, in the State of _____, where I follow the occupation of _____; that I am about to go abroad temporarily; and that I intend to return to the United States _____, with the purpose of residing and performing the duties of citizenship therein.

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all ene-

mies, foreign and domestic ; that I will bear true faith and allegiance to the same ; and that I take this obligation freely, without any mental reservation or purpose of evasion : So help me God.

Sworn to before me this _____ day of _____, 18—.

Notary Public.

DESCRIPTION OF APPLICANT.

Age : _____ years.	Mouth : _____.
Stature : — feet — inches, Eng.	Chin : _____.
Forehead : _____.	Hair : _____.
Eyes : _____.	Complexion : _____.
Nose : _____.	Face : _____.

IDENTIFICATION.

_____, 18—.

I hereby certify that I know the above-named _____ personally, and know him to be a native-born citizen of the United States, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

[Address of witness] _____.

Applicant desires passport sent to following address :

_____,
_____,
_____.

The form for a naturalized citizen is as follows:

[Edition of 1889.]

No. ———.

Issued ———.

UNITED STATES OF AMERICA.

State of ——— }
County of ——— } *ss.*

I, ——— ———, a Naturalized and Loyal Citizen of the United States, hereby apply to the Department of State, at Washington, for a passport for myself, accompanied by ———, as follows: ——— ———, born at ———, on the ——— day of ———, 18—; and ——— ———.

I solemnly swear that I was born at ———, on or about the ——— day of ———, 18—; that I emigrated to the United States, sailing on board the ———, from ———, on or about the ——— day of ———, 18—; that I resided ——— years, uninterruptedly, in the United States, from ——— to ———, at ———; that I was naturalized as a citizen of the United States before the ——— Court of ———, at ———, on the ——— day of ———, 18—, as shown by the accompanying certificate of naturalization; that I am the identical person described in said certificate; that I am domiciled in the United States, my permanent

residence being at ——, in the State of ——, where I follow the occupation of ——; that I am about to go abroad temporarily; and that I intend to return to the United States ——, with the purpose of residing and performing the duties of citizenship therein.

This is followed by the oath of allegiance, description, and identification of the applicant, as in the case of a native-born citizen.

The blank for a person claiming citizenship through naturalization of husband or parent is as follows:

[Edition of 1889.]

No. ——.

Issued ——.

UNITED STATES OF AMERICA.

State of —— }
County of —— } *ss.*

I, —— ——, a Naturalized and Loyal Citizen of the United States, hereby apply to the Department of State, at Washington, for a passport for myself, accompanied by my wife, —— ——, and minor children, as follows: —— ——, born at ——, on the —— day of ——, 18——; and —— ——.

I solemnly swear that I was born at —— on or about the —— day of ——, 18—; that my —— emigrated to the United States, sailing on board the ——, from ——, on or about the —— day of ——, 18—; that he resided —— years, uninterruptedly, in the United States, from —— to ——, at ——; that he was naturalized as a citizen of the United States before the —— Court of ——, at ——, on the —— day of ——, 18—, as shown by the accompanying certificate of naturalization; that I am the —— of the person described in said certificate; that I have resided in the United States, uninterruptedly, for —— years, from —— to ——, at ——; that I am domiciled in the United States, my permanent residence being at ——, in the State of ——, where I follow the occupation of ——; that I am about to go abroad temporarily; and that I intend to return to the United States —— with the purpose of residing and performing the duties of citizenship therein.

The oath of allegiance, description of applicant, and identification are the same as in the other forms.

The regulations governing the issuance of passports are set forth in the following—

GENERAL INSTRUCTIONS IN REGARD TO PASSPORTS—1889.

DEPARTMENT OF STATE,
Washington, D. C.

Passports are issued only to citizens of the United States, upon application, supported by proof of citizenship. Citizenship is acquired by birth, by naturalization, and by annexation of territory. An alien woman who marries a citizen of the United States thereby becomes a citizen. Minor children resident in the United States become citizens by the naturalization of their father.

When the applicant is a native citizen of the United States he must transmit his own affidavit of this fact, stating his age and place of birth, with the certificate of one other citizen of the United States to whom he is personally known, stating that the declaration made by the applicant is true. The affidavit must be attested by a notary public, under his signature and seal of office. When there is no notary in the place the affidavit may be made before a justice of the peace or other officer authorized to administer oaths; but if he has no seal, his official act must be authenticated by certificate of a court of record. A person born abroad who claims that his father was a native citizen of the United States must state in his affidavit that his father was born in the United States, has resided therein, and was a citizen of the same at the time

of the applicant's birth. This affidavit must be supported by that of one other citizen acquainted with the facts.

If the applicant be a naturalized citizen, his certificate of naturalization must be transmitted for inspection (it will be returned with the passport), and he must state in his affidavit that he is the identical person described in the certificate presented. Passports can not be issued to aliens who have only declared their intention to become citizens. Military service does not of itself confer citizenship. A person of alien birth, who has been honorably discharged from military service in the United States, but who has not been naturalized, should not transmit his discharge paper in application for a passport, but should apply to the proper court for admission to citizenship, and transmit the certificate of naturalization so obtained. The signature to the application and oath of allegiance should conform in orthography to the applicant's name as written in the naturalization paper, which the Department follows.

Every applicant is required to state his occupation and the place of his permanent legal residence, and to declare that he goes abroad for temporary sojourn and intends to return to the United States with the purpose of residing and performing the duties of citizenship therein.

The wife or widow of a naturalized citizen must transmit the naturalization certificate of the husband, stating in her affidavit that she is the wife or widow of the person

described therein. The children of a naturalized citizen, claiming citizenship through the father, must transmit the certificate of naturalization of the father, stating in their affidavits that they are children of the person described therein, and were minors at the time of such naturalization.

The oath of allegiance to the United States will be required in all cases.

The application should be accompanied by a description of the person, stating the following particulars, viz: Age, — years; stature, — feet — inches (English measure); forehead, —; eyes, —; nose, —; mouth, —; chin, —; hair, —; complexion, —; face, —.

If the applicant is to be accompanied by his wife, minor children, or servants, it will be sufficient to state the names and ages of such persons and their relationship to the applicant, when a single passport for the whole will suffice. For any other person in the party a separate passport will be required. A woman's passport may include her minor children and servants.

By act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency or postal note should accompany each application. Orders should be payable to the Disbursing Clerk of the Department of State. Drafts or checks are inconvenient and undesirable.

A passport is good for two years from its date and no

longer. A new one may be obtained by stating the date and number of the old one, paying the fee of one dollar, and furnishing satisfactory evidence that the applicant is at the time within the United States. The oath of allegiance must also be transmitted when the former passport was issued prior to 1861.

Citizens of the United States desiring to obtain passports while in a foreign country must apply to the chief diplomatic representative of the United States in that country, or, in the absence of a diplomatic representative, then to the consul-general, if there be one, or, in the absence of both the officers last named, to a consul. Passports can not be lawfully issued by State authorities, or by judicial or municipal functionaries of the United States. (Revised Statutes, section 4075.) To persons wishing to obtain passports for themselves blank forms of application will be furnished by this Department on request, stating whether the applicant be a native or a naturalized citizen, or claims citizenship through the naturalization of husband or parent. Forms are not furnished, except as samples, to those who make a business of procuring passports.

Communications should be addressed to the Department of State, indorsed "Passport Division," and each communication should give the post-office address of the person to whom the answer is to be directed. Professional titles will not be inserted in passports.

The ordinary passport is made out on the following blank:

Good only for two years from date.

UNITED STATES OF AMERICA,

DEPARTMENT OF STATE,

To all to whom these presents shall come Greeting:

I, the undersigned, Secretary of State of the United States of America, hereby request

all whom it may concern to permit _____, a Citizen of the United States _____ safely and freely to pass, and in case of need give _____ all lawful Aid and Protection.

DESCRIPTION,

Age _____ Years _____.

Stature — Feet — Inches Eng.

Forehead _____.

Eyes _____.

Nose _____.

Mouth _____.

Chin _____.

Hair _____.

Complexion _____.

Face _____.

Signature of the Bearer.

_____.

Given under my hand and the Seal of the Department of State, at the City of Washington, the _____ day of _____ in the year 18— and of the Independence of the United States the one hundred _____.

[SEAL.]

No. _____.

The special passport is issued, by order of the Secretary of State, to officers of the Government and distinguished citizens, the form being:

No. _____.

(Special passport.)

UNITED STATES OF AMERICA,

DEPARTMENT OF STATE,

To all to whom these presents shall come, Greeting:

Know Ye, that the bearer hereof, _____, [where he will travel].

These are therefore to request all whom it may concern to permit _____ to pass freely, without let or molestation, and to extend to _____ all such friendly aid and protection, as would be extended to like _____ of Foreign Governments resorting to the United States.

In testimony whereof, I _____, Secretary of State of the United States of America, have hereunto set my hand and caused the Seal of [SEAL.] the Department of State to be affixed at Washington, this _____ day of _____, A. D. 18—, and of the Independence of the United States of America, the _____.

The passports issued to foreign diplomatic representatives traveling through the United

States are granted as a mark of courtesy, and request "all officers of the United States or of any State thereof, whom it may concern, to permit to pass freely, without let or molestation, and to extend friendly aid and protection in case of need" to the person or persons named.

The greater part of the Department business relative to passports has always been in the hands of some clerk especially adapted to perform the work, and is now in charge of the Passport Bureau, of which the Passport Clerk is the head. He receives the returns of foreign passports, the applications and fees, conducts whatever correspondence is necessary, and issues the passports, subject to the instructions of his superior officers. At the close of each day he transfers whatever moneys may have come into his hands to the disbursing officer of the Department and receives a receipt therefor. Each passport is numbered, and a record kept of its number and of the name of the person to whom it is issued. The applications and the corre-

spondence are filed chronologically. The moneys received are transferred by the disbursing officer of the Department to the Treasury Department, and credited to the fund "Miscellaneous Accounts."

The Passport Bureau also has the custody of the Department seal, and affixes it to such documents as require it, principal among which are commissions to consular officers who are not appointed by the President, and authentication of public acts.

Before reaching any other bureau, all mail coming to the Department is received and opened in the Bureau of Indexes and Archives. The routine of that Bureau is as follows :*

The mail of the Department is received in the Bureau each morning from the mail clerk and distributed among the different index clerks. The diplomatic index clerk takes all correspondence received from United States diplomatic officers abroad, from foreign ministers accredited to this country and from foreign sovereigns and secretaries of state ; the consular index clerk, all correspondence from

*Methods of Business in the Executive Departments, III, 12 *et seq.*

American consular officers abroad and from foreign consular officers in the United States; the miscellaneous index clerk, all other communications, including those from Congress, the Executive Departments, and from private individuals and corporations. The communications are then opened by the proper index clerk, carefully read and full abstracts, under appropriate "catch words" made in large books labeled, respectively "diplomatic," "consular," and "miscellaneous register"—*To the Department*. These registers are arranged under convenient heads, and from them the writer, the subject, or the date being known, any communication can be found and its contents fully noted.

The incoming mail being thus daily indexed as soon as received, is sent to the Chief Clerk * * *.

The letters written by the Department are, in turn, after being signed by the Secretaries, sent to the Index Bureau, where they are carefully read by the chief and the index clerks, and full abstracts entered in a set of books corresponding to the incoming registers, which are labeled "*From the Department.*"

After being indexed the outgoing mail is sent to the Bureau from which it emanates, where it is press-copied and sent to its destination.

Press-copies are then sent to the Index Bureau, where they are distributed among the diplomatic, consular, and miscellaneous recording clerks, who copy them into blank

books, which become the permanent records of the Department. The press-copies are for a certain number of years kept for convenient reference and are then carefully stored away, it being the practice of the Department to destroy none of its records of whatever nature.

* * * * *

To return to the incoming mail, which we have seen has now been indexed and answered. This is again returned to the Index Bureau, where it is filed in pigeon-holes conveniently arranged for ready reference. The pigeon-holes are 532 in number.

* * * * *

As soon as the pigeon-holes contain a sufficient number of communications, the communications are arranged chronologically in their proper divisions and bound in book form. There are numerous series of volumes; one for each American Legation abroad, one for each foreign legation in this country, one for each consulate, &c. The miscellaneous letters make a series of volumes by themselves.

All of the routine work of the Department is immediately under the supervision of the Chief Clerk. His duties were defined in the report of the Senate Committee as follows:*

*Methods of Business in the Executive Departments, III, 4 *et seq.*

The Chief Clerk of the Department of State is its executive officer under the direction of the Secretary of State. He has the general supervision of the clerks and employés and of the business of the Department. * * *

After the daily mail is received at the Department, opened, and indexed in the index room, * * * it is placed upon the Chief Clerk's desk, read by the Chief Clerk, and distributed among the Assistant Secretaries for their action. During the day the Chief Clerk receives and transacts the business of all persons having interests connected with the Department of State, other than those whose business is of such a character as to require the personal hearing of the Secretary of State or the Assistant Secretaries. * * * After the several Assistant Secretaries have given (usually by written memorandum) their directions as to what action is to be taken by the Department upon the various written communications addressed to it, the mail is returned to the Chief Clerk's desk, and again by him distributed to the Bureaus charged with the execution of the Assistant Secretaries' instructions.

In the afternoon the mail prepared for the signature of the Secretary or the Assistant Secretaries, and embodying the latter's instructions, is delivered to the Chief Clerk, by him read carefully, and sent to the Secretary, or distributed among the Assistant Secretaries, for whose signature it is prepared. The Chief Clerk is, besides, constantly ready

to answer the call of the Secretary or Assistant Secretaries, and inquiries from chiefs of Bureaus or clerks, when more particular directions are asked as to the disposition of work. It is for the Chief Clerk to generally supervise the sending of the foreign mails from the Département, and to guard the privacy of the closed pouches, and to enforce discipline in matters looking to the efficiency of the laborers and inuring to the general comfort of the occupants of the building.

VI.

BUILDINGS OCCUPIED BY THE DEPARTMENT.

THE first meeting place of the Congress, where the plan for the conduct of our foreign affairs was first taken into consideration, was Carpenters' Hall, a building which had been constructed for the Society of House Carpenters, of Philadelphia. It stands at the end of an alley, south from Chestnut street, between Third and Fourth streets. The lower floor, consisting of one large room, was occupied by the Congress, and the rooms in the second story by committees. From Carpenters' Hall the Government went to what has ever since been known as Independence Hall.

As soon as the Department of Foreign Affairs was organized under Livingston, it took possession of a small house in Philadelphia,

owned by Peter L. Du Ponceau, No. 13 South Sixth street, on the eastern side. Livingston's office was in the front room of the second floor, and in the back room were the Under Secretaries, while the clerks and interpreters occupied the room on the ground floor. This building was demolished in 1846. It was occupied as the Office of Foreign Affairs from the latter part of 1781 up to June, 1783, when the Department was practically suspended until Jay took control of it in 1785.

In January, 1785, the seat of government being moved to New York, the Department of Foreign Affairs found quarters in the famous Fraunce's Tavern, in the long room of which Washington had taken farewell of the generals of the Revolution at the close of the war. Here it remained till 1788, when it moved to the west side of Broadway, in a house owned by Philip Livingston, near the Battery. Later it was moved to another house on the same street on the opposite side.

The capital having been again located at Philadelphia, the Department took up its abode first on Market street, then on the southeast corner of Arch and Sixth streets, then in North Alley, and finally at the northeast corner of Fifth and Chestnut streets, where it remained until it was moved to Washington, except for an interval of three months from August to November, 1798, when it occupied the State House at Trenton, N. J., the office being moved from Philadelphia on account of an epidemic of yellow fever.

On June 1, 1800, the archives were lodged in the Treasury, the only building sufficiently completed to receive them, and August 27 were placed in one of the "six buildings" on Pennsylvania avenue and Twentieth street. In May, 1801, the offices were placed in the large brick building on Seventeenth street, opposite G street, known as the War Office, and here it remained up to December, 1819, with an interval from September, 1814, to April, 1816, when it occupied a building on the south side of

G street, near Eighteenth, pending the repair of its former building, which had been demolished in the invasion of the city by the British troops.

In January, 1820, the offices were moved to the corner of Fifteenth street and Pennsylvania avenue, the site now covered by the north wing of the United States Treasury, and there it remained up to October, 1866, when it leased the premises then belonging, as now, to the Washington Orphan Asylum, on Fourteenth street, near S street. It remained there until July, 1875, when it was removed to its present quarters, which constitute the south wing of the State, War, and Navy Building.

VII.

SECRETARIES FOR FOREIGN AFFAIRS AND SECRETARIES OF STATE.

THE following have been the actual incumbents of the office of Secretary for Foreign Affairs and Secretary of State:

ROBERT R. LIVINGSTON, New York, Secretary for Foreign Affairs*—September 23, 1781, to June 4, 1783.

JOHN JAY, New York, Secretary to the United States of America for the Department of Foreign Affairs†—September 21, 1784, to September 15, 1789, when the Department of State was organized.

JOHN JAY, New York, Secretary of State by continuance—September 15, 1789, to September 26, 1789.‡

THOMAS JEFFERSON, Virginia—September 26, 1789.

EDMUND RANDOLPH, Virginia—January 2, 1794.

* Resolutions of Congress, February 22, 1782, changed the title to "Secretary to the United States of America for the Department of Foreign Affairs" (p. 26).

† A resolution of Congress of February 11, 1785, gave the title "Secretary for the Department of Foreign Affairs" (p. 36), and it was so called after the adoption of the Constitution (p. 48).

‡ See pp. 58 and 67.

- TIMOTHY PICKERING, Pennsylvania—December 10, 1795.
JOHN MARSHALL, Virginia—May 13, 1800.
JAMES MADISON, Virginia—March 5, 1801.
ROBERT SMITH, Maryland—March 6, 1809.
JAMES MONROE, Virginia—April 2, 1811.
JAMES MONROE—reappointed February 28, 1815.
JOHN Q. ADAMS, Massachusetts—March 5, 1817.
HENRY CLAY, Kentucky—March 7, 1825.
MARTIN VAN BUREN, New York—March 6, 1829.
EDWARD LIVINGSTON, Louisiana—May 24, 1831.
LOUIS McLANE, Delaware—May 29, 1833.
JOHN FORSYTH, Georgia—June 27, 1834.
DANIEL WEBSTER, Massachusetts—March 5, 1841.
HUGH S. LEGARÉ, South Carolina—May 9, 1843.
ABEL P. UPSHUR, Virginia—July 24, 1843.
JOHN NELSON, Maryland (acting)—February 29, 1844.
JOHN C. CALHOUN, South Carolina—March 6, 1844.
JAMES BUCHANAN, Pennsylvania—March 6, 1845.
JOHN M. CLAYTON, Delaware—March 7, 1849.
DANIEL WEBSTER, Massachusetts—July 22, 1850.
EDWARD EVERETT, Massachusetts—November 6, 1852.
WILLIAM L. MARCY, New York—March 7, 1853.
LEWIS CASS, Michigan—March 6, 1857.
JEREMIAH S. BLACK, Pennsylvania—December 17, 1860.
WILLIAM H. SEWARD—New York, March 5, 1861.
ELIHU B. WASHBURN, Illinois—March 5, 1869.

- HAMILTON FISH, New York—March 11, 1869.
HAMILTON FISH—reappointed March 17, 1873.
WILLIAM M. EVARTS, New York—March 12, 1877.
JAMES G. BLAINE, Maine—March 5, 1881.
FREDERICK T. FRELINGHUYSEN, New Jersey—December 12,
1881.
THOMAS F. BAYARD, Delaware—March 6, 1885.
JAMES G. BLAINE, Maine—March 5, 1889.
JOHN W. FOSTER, Indiana—June 29, 1892.
WALTER Q. GRESHAM, Illinois—March 6, 1893.

INDEX.

- Accounts, Bureau of. (*See* Bureau of Accounts.)
Adams, John, 5, 8, 19, 33, 41, 43.
Adams, John Q., 135, 151, 180, 204.
Address to King, 1.
Alden, Roger, 59, 60, 63, 64.
Algiers, Consuls to, 69.
Arguelles, 108.
Armorial achievement, seal of the United States, 100.
Articles of Confederation, 18.
- Barbary Coast, Consuls to, 69.
Baring & Co., 73.
Bayard, Thomas F., 205.
Benson, 51.
Berlin, Commissioner to, 6.
Biennial register, 87.
Bills on Europe, purchase of, 72.
Bioren & Co., 158.
Bioren, Duane & Weightman, 157.
Birch, Joseph, 73.
Black, Jeremiah S., 204.
Blaine, James G., 205.
Blue Book, 87.
Bollan, William, 2.
Book of American letters, 40.
Book of foreign commissions, 40.
Book of foreign letters, 39.
Books for Library, how purchased, 171.
Boudinot, Elias, 44.
Branch, John, 68.
Brown, 39.
Buchanan, James, 204.
Buildings occupied by the Department of State, 199.
Bureau of Accounts, 96, 167, 175.
Bureau of Commissions and Pardons, 97, 116, 129.
Bureau of Indexes and Archives, 94, 194.
Bureau of Rolls and Library, 94, 152, 169.
Bureau of Statistics, 95, 152.
Burke, Edmund, 2.
- Cadwalader, John L., 137.
Calhoun, John C., 204.
Campbell, Levin H., 83.
Carmichael, William, 34.
Carpenters' Hall, 1, 199.
Cass, Lewis, 204.
Catalogues of Library, 172.
"Cattle and Dairy Farming," 149.

- Census enumeration, 84.
- Chief Clerk :
 Compensation, 61, 93.
 Duties of, 196.
 First, 64.
 Office of, 89.
 Provided for, 46.
- Clay, Henry, 135, 204.
- Clayton, John M., 204.
- Clerks in Department of State, 89, 91.
- Clymer, 31.
- Commercial Digest, 151.
- Commercial Relations, 149, 152.
- Commissions and Pardons, Bureau of. (*See* Bureau of Commissions and Pardons.)
- Commissions, how signed, 100.
- Committee of Foreign Affairs :
 Formed, 7.
 Functions of, 8, 12, 14.
- Committee of Secret Correspondence, 66.
- Compensation :
 Consuls, 69.
 Ministers, 68.
 Officers of the Department of State, 89.
- Confederation, Articles of, 31, 174.
- Congressional Library, 157.
- Connecticut, agent of, 2.
- Constitution of the United States, 174.
- Consular Bureau, 94, 138.
- Consular Regulations, 140.
- Consular Reports, 144-147.
- Consuls, 14, 69, 105, 138.
- Copyright, 83.
- Craig, Dr. John D., 82.
- Cutting, Captain, 73.
- Dana, J. F., 19, 34, 41.
- Deane, Silas, 4, 5, 9, 41.
- Declaration of Independence, 174.
- Department of Foreign Affairs :
 Act creating, 48.
 Defects in, 19.
 Duties defined, 36.
 Formation of, 43.
 Inventory of, 24.
 Organized, 18.
 Plan of, 15.
 Report on, 26.
 Resolution changing, 52.
- Department of Justice, 93, 103.
- Department of State :
 Act creating, 53.
 Buildings of, 199.
 Executive force of, 97.
 Expenditures of, 70.
 Formation of, 43.
 Organization in 1829, 90.
 Seal of, 102.
 Started, 61.
 Subdivisions of, 89.
- Department of the Interior, 84, 85, 86, 87, 103.
- Dickinson, John, 3, 14.
- Digest of International Law, etc., 137.

- Digest of Published Opinions, etc., 137.
- Diplomatic Bureau, 94, 131.
- Diplomatic Correspondence of the Revolution, 135.
- Disbursing Clerk. (*See* Bureau of Accounts.)
- Dumas, Charles W. F., 4, 31, 34, 41, 66.
- Du Ponceau, Peter L., 34, 200.
- Eden, William, 2.
- Ellery, William, 24.
- Encargado de negocios, 38.
- Evarts, W. M., 145, 147, 205.
- Everett, Edward, 204.
- Everleigh, Nicholas, 24.
- Examiner of Claims, 92.
- Exequaturs, 104, 129.
- Expenditures of Department of State, 70.
- Extradition :
 Definition, 106.
 Instructions, 117.
 Warrants, 109.
- Fish, Hamilton, 141, 205.
- Flagg, Edmund, 150.
- Floyd, William, 18.
- Foreign Relations, publication of, 134.
- Forsyth, John, 204.
- Foster, John W., 205.
- Franklin, Benjamin, 2, 3, 5, 9, 19, 33, 34, 35, 41, 66.
- Franklin, William Temple, 34.
- Frelinghuysen, Frederick T., 205.
- Gardogni, Diego de, 38.
- Garth, Charles, 2.
- Gates, General, 9.
- Genet, 66.
- Gerry, Elbridge, 35.
- Gilmer, Robert, & Co., 73.
- Girard, C. A., 9.
- Gresham, Walter Q., 205.
- Harrison, Benjamin, 3, 5, 7, 31.
- Hayward, Thomas, jr., 7.
- Home Department, proposed, 50.
- Hooper, William, 5.
- Hopkins, Samuel, 81.
- Huntington, Samuel, 14.
- Indexes and Archives, Bureau of. (*See* Bureau of Indexes and Archives.)
- Interior, Department of. (*See* Department of the Interior.)
- Inventory of Department of Foreign Affairs, 24.
- Izard, Ralph, 5, 31.
- Jackson, Andrew, 68.
- Jay, John, 1, 3, 19, 33, 35, 36, 41, 42, 58, 59, 60, 203.
- Jefferson, Thomas, 5, 34, 41, 58, 59, 65, 70, 75, 81, 150, 174, 203.
- Johnson, 3.
- Jones, Thomas P., 82.

- "Labor Circular," 148.
 "Labor in Europe," 149.
 Laborers, 98.
 Laurens, Henry, 14, 34, 41.
 Laurens, John, 41.
 Laws of the United States :
 Custody of, 152.
 Distribution of, 154, 162.
 Editor of, 166.
 How printed, 165.
 How sold, 167.
 Pamphlet, 158.
 Pocketed, 166.
 Printing and collecting of,
 153.
 Promulgation of, 154.
 Revised statutes, 164.
 Slip, 165.
 Statutes at Large, 166.
 Lear, Tobias, 63, 75.
 Lee, Arthur, 2, 4, 5, 6, 9, 15, 41.
 Lee, Richard Henry, 1, 5, 7, 8,
 10.
 Lee, William, 6, 41.
 Legaré, Hugh S., 204.
 Lewis, Mordecai, 73.
 L'Hommedieu, 39.
 Life, Thomas, 2.
 Lithographer, 98.
 Little, Brown & Co., 159.
 Livingston, Edward, 204.
 Livingston, Robert R., 18, 24, 30,
 32, 34, 35, 42, 43, 203.
 Louisiana, District of, 156.
 Lovell, James, 7, 8, 15, 18, 31.
 McKean, Thomas, 14.
 McLane, Louis, 204.
 Mackenzie, James, 73.
 Madison, James, 31, 45, 75, 174,
 204.
 Marcy, William L., 141, 204.
 Marshall, John, 204.
 Massachusetts, agent of, 2.
 Messengers, 98.
 Mexico, treaty with, 107.
 Michigan Territory, laws, 159.
 Monroc, James, 151, 175, 204.
 Moore, John B., 107.
 Morris, Lewis R., 34, 35.
 Morris, Robert, 5, 7, 10, 14.
 Morris, Thomas, 6.
 Moustier, 66.
 Nelson, John, 204.
 Neuville, de, & Son, 31.
 New Jersey, agent of, 2.
 Otis, James, 39.
 Packer, 98.
 Paine, Thomas, 7.
 Palfrey, William, 14.
 Pardon, warrants of, 105.
 Parsons, Samuel, 32.
 Passport Bureau, 97, 193.
 Passports :
 Classes of, 181.
 Early, 177.
 Fee, 180.
 Forms of, 182.

- Passports—Continued.
 Granting of, 176.
 Laws of, 178.
 Regulations of, 186.
- Patent business, the, 77.
- Patents:
 Board, 81.
 Superintendent, 82.
- Pennsylvania, agent of, 2.
- Pickering, Timothy, 204.
- Pinckney, Mr., 73, 76.
- Pocketed laws, 166.
- Postmasters, commissions of, 103.
- Public lands, 86.
- Randolph, Edmund, 24, 81, 203.
- Reed, 39.
- Remsen, Henry, jr., 35, 36, 60, 63, 64, 80.
- Revised Statutes, 164.
- Revolutionary War, papers of, 174.
- Rolls and Library, Bureau of. (*See* Bureau of Rolls and Library.)
- Seal of the United States, 9, 55, 59, 99, 100, 103, 104.
- Secret Committee of Congress, 3, 6.
- Secretaries:
 For Foreign Affairs, 203.
 Of State, 203.
- Secretary for Foreign Affairs, 45.
- Secretary of Committee of Foreign Affairs, 7.
- Secretary of State:
 Acting, 48, 57.
 Assistant provided for, 92.
 Compensation, 61.
 Custodian of seal, 99.
 Jefferson nominated, 59.
 Second Assistant, 92.
 Third Assistant, 92.
- Sedgwick, Theodore, 52, 53.
- Seward, F. W., 149.
- Seward, William H., 204.
- Short, Mr., 65.
- Slip laws, 165.
- Smith, Robert, 204.
- Smith, William, 44.
- Solicitor, Department of State, 93.
- South Carolina, agent of, 2.
- Spain, Commissioners to, 5.
- Spanish Minister, 38.
- Sparks, Jared, 135.
- Statistical Office, 95.
- Statistics, Bureau of. (*See* Bureau of Statistics.)
- Stewart, Walter, 73.
- Stone, Walter, 34.
- Strachan, James, 73.
- Suffolk, Earl of, 2.
- Taylor, George, jr., 64.
- Territorial affairs under Department of State, 85.
- Territory of Orleans, 156.
- Tetend, John P., 34.
- Thomson, Charles, 59.

- | | |
|--|---|
| <p>Thornton, Dr. William, 81.
 Translator, Department of State,
 96.
 Treaties :
 Engrossed in Diplomatic
 Bureau, 133.
 How published, 159.
 Treaty with France, 9.
 Tucker, 39.
 Tuscany, Commissioner to, 6.

 Upshur, Abel P., 204.

 Van Buren, Martin, 82, 204.
 Vaughan, Mr., 72, 74.
 Vergennes, Count, 4, 18.</p> | <p>Vienna, Commissioner to, 6.
 Vining, 50, 52.

 Washburne, Elihu B., 204.
 Washington, George, 9, 43, 58, 60,
 63, 64, 68, 75, 174.
 Webster, Daniel, 95, 204.
 Wentworth, Paul, 1.
 Wharton, Francis, LL.D., 137.
 White, 51.
 Willing, Morris & Swanwick, 73.
 Wilson, John, 8.
 Witherspoon, John, 5, 10, 31.
 Wythe, George, 5.

 Yazoo claims, 86.</p> |
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